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ARTES SCIENTIA VERITAS

PUBLIC ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1899

WITH AN APPENDIX CONTAINING JOINT AND CONCURRENT
RESOLUTIONS, AMENDMENTS TO THE CONSTITUTION, AND
THE STATE TREASURER'S REPORT FOR THE YEAR
ENDING JUNE 30, 1899



BY AUTHORITY

LANSING
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1899

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NOTE.—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich., 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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LIST OF PUBLIC ACTS

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PUBLIC ACTS
OF
THE LEGISLATURE
1899.

PUBLIC ACTS, 1899.

[No. 1.]

AN ACT to amend section two of an act entitled "An act to provide for the incorporation of associations for the purpose of constructing, owning, controlling and acquiring by lease buildings for exposition and exhibition purposes," approved February twentieth, eighteen hundred eighty-nine, as subsequently amended, by amending the seventh subdivision of section two, and by adding a new subdivision to section two, to stand as subdivision eighth, and to add two new sections to said act to stand as sections thirteen and fourteen.

The People of the State of Michigan enact:

SECTION 1. That section two of the act entitled "An act to provide for the incorporation of associations for the purpose of constructing, owning, controlling and acquiring by lease buildings for exposition and exhibition purposes," approved February twentieth, eighteen hundred eighty-nine, be amended to read as hereinafter set forth; and that there shall be added to said act two new sections to stand as sections thirteen and fourteen, to read as hereinafter set forth:

Section amended.

SEC. 2. Such persons shall, under their hands and seals, make and subscribe articles of association, which shall be duly acknowledged, and shall state:

Articles of association, what to state.

First, The name of such corporation;

Second, Distinctly the purpose for which the corporation is formed;

Third, The amount of capital stock and the number of shares thereof;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each;

Fifth, The place in this State where the office for the transaction of business shall be located;

Sixth, The term of its existence, which shall not exceed thirty years;

Seventh, The number of directors, which shall not be less than five, and the names of those who shall be directors for the first year;

Eighth, The amount of capital stock actually subscribed at the date of the articles, which shall not be less than ten per cent.

SEC. 13. It shall not be necessary for the original corporations to subscribe for the entire capital stock, but the portion not subscribed for may be disposed of at any time afterwards

Subscription of stock.

by the corporation in such manner as the by-laws of the corporation may prescribe.

Capital stock. **SEC. 14.** The capital stock and number of shares may be increased or diminished at any annual meeting of the stockholders, or at any meeting duly called for that purpose, by a vote of two-thirds of the capital stock of the corporation, and at such meeting the stockholders shall have power to make all necessary provisions for calling in and canceling the old and issuing new certificates of stock, but nothing herein contained shall in any way operate to discharge any company which many diminish its capital stock from any obligation or demand that may be due from said company. When any such corporation shall so increase or diminish its capital stock, the president and a majority of the directors shall make a certificate thereof, which shall be signed by them, and recorded and returned, as is provided herein for recording and returning the Articles of Association, and such increase or diminution shall commence and be operative from and after the date when the certificate is received for record in the office of Secretary of State.

How increased or diminished.

Power of stockholders to cancel or issue stock.

Directors' certificate. When stock increased or diminished.

When said increase or diminution takes effect.

This act is ordered to take immediate effect.

Approved January 24, 1899.

[No. 2.]

AN ACT to fix the per diem compensation of members of the State Legislature from the Upper Peninsula for and during the session of one thousand eight hundred and ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That in addition to the compensation, mileage and allowance for stationery as fixed by law, for members representing the several senatorial and representative districts in the Upper Peninsula, there shall be allowed and paid two dollars per diem extra compensation during the legislative session of the year one thousand eight hundred and ninety-nine.

Additional per diem for Upper Peninsula members.

This act is ordered to take immediate effect.

Approved January 26, 1899.

[No. 3.]

AN ACT to repeal act number one hundred and twenty of the public acts of eighteen hundred and ninety-five, as amended by act number two hundred and seventy-five of the public acts of eighteen hundred and ninety-seven, entitled "An act to prevent the spearing of fish in the waters of Long Lake in Genesee county."

The People of the State of Michigan enact:

SECTION 1. That act number one hundred and twenty of the public acts of eighteen hundred and ninety-five, as amended by act number two hundred and seventy-five of the public acts of eighteen hundred and ninety-seven, entitled "An act to prevent the spearing of fish in the waters of Long Lake in Genesee county," be and the same is hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved January 26, 1899.

[No. 4.]

AN ACT to authorize the Prosecuting Attorney for the county of Lapeer to appoint an assistant Prosecuting Attorney and to prescribe his duties, powers and compensation.

The People of the State of Michigan enact:

SECTION 1. That the prosecuting attorney of the county of Lapeer is hereby authorized and empowered to appoint an assistant prosecuting attorney for Lapeer county, which appointment shall be in writing and filed with the clerk of said county. Power of prosecutor to appoint assistant.

SEC. 2. Said assistant prosecuting attorney shall receive no salary except such compensation as shall be paid to him by the prosecuting attorney of said county. Compensation.

SEC. 3. That said assistant prosecuting attorney shall hold his office during the pleasure of the prosecuting attorney of said county. Term of office.

SEC. 4. That said assistant prosecuting attorney shall and he is hereby given authority to perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney in other cases, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State and file the same, together with his acceptance, with the county clerk of said county. Duties of.
Oath of office.

Duty of
prosecutor in
case of
assistant's
removal.

SEC. 5. That in case of the removal from office of said assistant prosecuting attorney, by the prosecuting attorney of said county, he shall file such revocation of appointment in the office of the clerk of said county.

This act is ordered to take immediate effect.

Approved February 8, 1899.

[No. 5.]

AN ACT to authorize and direct the Commissioner of the State Land Office of this State, to issue a patent to James O. Ferguson and Cora A. Ferguson, for the northeast quarter of the southeast quarter, of section sixteen in township number three south, of range number four west, confirming the title thereto in James O. Ferguson and Cora A. Ferguson.

The People of the State of Michigan enact:

Land patents
authorized and
directed.

SECTION 1. That the Commissioner of the State Land Office, of the State of Michigan, is authorized and directed to issue a patent for the northeast quarter of the southeast quarter of section sixteen in township number three south, of range number four west, to James O. Ferguson and Cora A. Ferguson, of the township of Albion, Calhoun county, Michigan, upon the surrender by the said James O. Ferguson and Cora A. Ferguson, of primary school certificate number three thousand eight hundred and ten, together with all assignments thereof and the payment by said James O. Ferguson and Cora A. Ferguson, of all taxes that may have been assessed upon said lands and now remaining unpaid, and all rights and title to such lands hereinbefore described shall be delivered and be and become the absolute and equitable property of the said James O. Ferguson and Cora A. Ferguson, in fee.

Acts repealed.

SEC. 2. All acts and parts of acts, and all executive or other official orders or decrees made thereunder, in any way conflicting with this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 6.]

AN ACT to provide for the rental of the Armories of the Michigan State National Guard.

The People of the State of Michigan enact:

SECTION 1. That the State Military Board may pay out of the military fund to the several companies of the Michigan State National Guard, the rents for the armories of the respective companies in like manner and for the same amounts that said companies respectively received from the State Military Board prior to April one, eighteen hundred ninety-eight. These several sums shall be paid in behalf of the several companies where the same have not resigned or left the service of the State, and where they have either resigned or have been mustered out of the State service, and have enlisted, or a majority of them have enlisted in the volunteer service of the United States, and the same shall be paid to the trustees or other proper person having the custody of the several armories used by the respective companies before their entry into the service of the United States. Such payments shall continue to be made until the mustering out of the Michigan Volunteers from the service of the United States, or until the respective companies shall be discharged from the service of the Michigan State National Guard, or until payments for the rent of the armories shall be otherwise provided for.

Military board
to pay rent.

Money, how
paid.

Payments to
continue.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 7.]

AN ACT making an appropriation for the current and running expenses of the Michigan Soldiers' Home until the general appropriation for that purpose shall be available.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the Michigan Soldiers' Home, out of any money in the State treasury not otherwise appropriated, the sum of thirty thousand dollars, for the purpose mentioned in section two of this act.

Amount
appropriated.

SEC. 2. Said money hereby appropriated shall be immediately available, and shall be used for the purpose of paying the current and running expenses of said home from January first, eighteen hundred ninety-nine, until the regular and ordinary appropriation for that purpose shall be made

When
available.
How used.

available, and the sum hereby appropriated shall be deducted from the gross amount of such regular and ordinary appropriation, as an advance upon the same, when such regular and ordinary appropriation for the current expenses at said home for the year eighteen hundred ninety-nine shall have become available.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 8.]

AN ACT for the protection of fish in the lakes known as Eagle lake, in the townships of Bloomingdale and Cheshire, in the counties of Van Buren and Allegan, and the lakes known as Pugsley's lake and Four-mile lake, in the township of Paw Paw, in the county of Van Buren, for a period of ten years.

The People of the State of Michigan enact:

Unlawful to
catch fish

SECTION 1. That it shall not be lawful to catch, kill or destroy fish with seines or with any species of continuous net or with any form of spears, or with any description of firearms or other explosives in the inland lakes known as Eagle lake in the townships of Bloomingdale and Cheshire, in the counties of Van Buren and Allegan, and Pugsley's lake and Four-mile lake, in the township of Paw Paw, county of Van Buren, for a period of ten years from and after the passage of this act, except that it shall be lawful and permitted to spear pickerel in said lakes through the ice in the months of December, January, February and March of each year.

Penalty.

SEC. 2. Any person or persons offending against any of the provisions of this act shall, upon conviction thereof, before any court of competent jurisdiction, be liable to a fine of not less than five nor more than one hundred dollars, or to imprisonment in the county jail not less than five nor more than sixty days, or both, at the discretion of the court.

Acts repealed.

SEC. 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved February 21, 1899.

[No. 9.]

AN ACT to authorize the prosecuting attorney for the county of Tuscola, Michigan, to appoint an assistant prosecuting attorney, and prescribing his powers, duties and compensation.

The People of the State of Michigan enact:

SECTION 1. The prosecuting attorney for Tuscola county, Michigan, may appoint an assistant prosecuting attorney, for whose official acts he shall be in all respects responsible, and may revoke such appointment at his pleasure. May appoint assistant.

SEC. 2. Every appointment of such assistant prosecuting attorney, and every revocation thereof shall be in writing, under the hand of the prosecuting attorney, and shall be filed and recorded in the office of the clerk of Tuscola county, and every such assistant prosecuting attorney shall, before he enters upon the duties of his office, take the oath prescribed by the twelfth article of the constitution of this State. Appointments, etc., to be in writing. Where filed.

SEC. 3. Said assistant prosecuting attorney shall have full power and authority to appear for and in behalf of the people of the State in all criminal and other matters or proceedings, to the same extent as the prosecuting attorney of said county, and generally shall have the same power and authority in all respects as is possessed by said prosecuting attorney. Power.

SEC. 4. The said assistant prosecuting attorney shall receive such salary or compensation as the board of supervisors of the county of Tuscola shall at any time direct. Compensation.

This act is ordered to take immediate effect.

Approved February 24, 1899.

[No. 10.]

AN ACT to amend section five, chapter one hundred forty-three, of Howell's Annotated Statutes, entitled "Libraries and Lyceums," being compiler's section four thousand four hundred eleven of Howell's Annotated Statutes.

The People of the State of Michigan enact:

SECTION 1. That section five, chapter one hundred forty-three of Howell's Annotated Statutes, entitled "Libraries and Lyceums," being compiler's section four thousand four hundred eleven of Howell's Annotated Statutes, be amended so as to read as follows: Section amended.

SEC. 5. The said proprietors may raise such sums of money by assessment on the shares as they shall judge necessary for Certain powers of incorporation.

Amount of estate may hold.

the purpose of preserving, enlarging and using the library; and the shares may be transferred according to such regulations as they may prescribe, and such corporation may hold (and may acquire by gift, grant, bequest or devise) real and personal estate to any amount not exceeding (twenty-five thousand dollars,) in addition to the value of their books; (and may hold in trust property granted, bequeathed or devised as may be prescribed by the grantor or testator; and may be the beneficiaries of trusts created for their benefit.)

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 11.]

AN ACT for the organization of Corporate Methodist Episcopal Churches.

The People of the State of Michigan enact:

Who may incorporate.

SECTION 1. That it shall be lawful for any number of members of the Methodist Episcopal Church of full age, not less than nine, with the consent of the presiding elder of the district in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Episcopal Church.

To acknowledge articles of association.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of association in writing, whereby they shall agree to organize a church, which shall be governed by the discipline, rules and usages of the Methodist Episcopal church. To such articles of association there shall be attached a certificate by the presiding elder of the district in which said church is to be located that the said church was organized by and with the consent of said presiding elder.

Presiding elder to attach certificate.

What articles of association to contain.

SEC. 3. Said articles of association shall contain the following items: First, The name of said church; Second, The township, village or city, and the county in which said church shall be located; Third, The time for which said corporation shall be created; Fourth, An agreement to worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church. Said articles may be in the following form:

Form of articles.

We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of eighteen hundred and ninety-nine, entitled "An act for the organization of corporate Methodist Episcopal churches," do

hereby make, execute and adopt the following articles of association, to wit:

First, The name assumed by this corporation, and by which it shall be known in law, is "The Methodist Episcopal church;" Name.

Second, The location of said church shall be in the..... of county of and State of Michigan; Location.

Third, The time for which said corporation shall be created shall not exceed thirty years from, the date of its organization; Period of incorporation.

Fourth, The members of said church shall worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds said corporation is situated. Rules to govern.

In witness whereof, we, the parties hereby associating for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence. Acknowledgment.

Done at the _____ of _____, county of _____, and State of Michigan, this _____ day of _____, A. D. 189____.
(Signatures.) (Residences.)

STATE OF MICHIGAN, }
County of _____, } ss.

On this _____ day of _____, A. D. _____, before me, a _____ in and for said county, personally appeared _____, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

I, _____ presiding elder of the _____ district, of the _____ annual conference of the Methodist Episcopal church, the same being the district in which the church mentioned in the foregoing articles of association is to be, or is now located, do hereby certify that such church was organized by and with my consent and concurrence. Certificate of presiding elder.

Dated at _____, Mich., A. D. 189____

Presiding Elder.

Sec. 4. Said articles of association shall be executed in duplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation and one copy shall be recorded in the office of the county clerk of the county, where such corporation is formed. When said articles of association and said certificate of the presiding elder shall have been recorded or left for record in the office of the said county clerk, the said persons so signing said articles of Articles to be executed in duplicate: where filed.

Body politic. Name, powers, etc.	association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the discipline, rules and usages of the Methodist Episcopal church, shall thereby become, and thenceforth be, a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights and privileges appertaining to religious corporations by the laws of this State.
Subject to certain discipline, etc.	SEC. 5. Said church, when so organized, shall be subject in all matters of church government and ecclesiastical polity to the discipline, usage and ministerial appointments of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds such corporation may be situated.
Board of trustees; number; how elected, etc.	SEC. 6. The temporalities of said church shall be managed by a board of trustees, consisting of not less than three nor more than nine members, to be elected by said corporation from its members, the said trustees to hold their office for the term of one year. Vacancies in said board may be filled at any time for the balance of the term, by an election, as in other cases.
Corporate seal.	SEC. 7. Said corporation may have a seal and alter the same at pleasure; it may in its corporate name sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold the debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize certain of the officers of said board to affix the corporate name and the seal of the corporation, and to execute and attest conveyances, notes, obligations, acquittances and all other necessary legal documents. It may sell, mortgage and dispose of its personal property; and may mortgage and incur its real estate, but not for the current expenses of the church. It may hold so much land as may be needful for the proper purposes of said church and its parsonage. Said corporation shall at all times permit such ministers, belonging to the Methodist Episcopal church, as shall from time to time be duly authorized by the general conference of said church, or by the annual conference within whose bounds the said corporation may be, to preach and expound God's holy word therein; and shall permit pastors and presiding elders, duly appointed to execute the discipline of said Methodist Episcopal church, to administer the sacraments therein.
Power to hold and convey property.	
Board of trustees may authorize certain officers to affix seal, etc.	
How may mortgage and dispose of real estate.	
Who permitted to preach.	
Who may administer sacraments.	
How may amend articles of association.	SEC. 8. It shall be lawful for any church organized under the provisions of this act, by a two-thirds vote of the quarterly

conference of said church, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act or the book of discipline of the Methodist Episcopal church; and such alteration or amendment shall become operative when two-thirds of all the members of the quarterly conference shall execute amended articles and the said amended articles are acknowledged in the same manner as stated in section three of this act, and the presiding elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section four of this act.

SEC. 9. Whenever it shall become necessary, for the payment of debts or with a view of reinvestment, to make a sale of any real estate belonging to said church, the quarterly conference of said church may, by a vote of a majority of all the members of said quarterly conference and the consent of the pastor of said church and of the presiding elder of the district of which such church may or shall be a part, authorize a sale of said real estate by the trustees of said church, with such limitations and restrictions as the quarterly conference may judge necessary and impose; and the trustees of said church, when so authorized, may sell and convey said property, and with the proceeds of such sale pay the debts of such corporation, or reinvest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section seven of this act, as said trustees may be directed by the quarterly conference: *Provided*, That in all cases the proceeds of such sale, after the payment of debts, if, any, if not applied to the purchase or improvement of other property as aforesaid, shall be held by such corporation subject to the order of the annual conference within the bounds of which such property is located. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned, and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to the said property belonging to said corporation shall pass to the annual conference within the bounds of which said property is located; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court in chancery, for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

SEC. 10. Any Methodist Episcopal church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a two-thirds vote of the members of the quarterly conference, place itself under

Who may authorize sale of real estate.

When trustees may sell real estate.

Disposition of proceeds of sale.

Proviso.

Title of property; when to pass to annual conference.

License to sell; how obtained.

Proceeds of sale, how applied.

Vote required to place certain churches under this act, etc.

the provisions of this act, the same as if originally incorporated under it, by two-thirds of the members of said quarterly conference executing articles of association as provided in section three of this act, and the presiding elder affixing his certificate thereto, as provided in said section, and recording the same, as provided in section four of this act.

Construction
of act.

SEC. 11. In all proceedings or suits that may arise, or be brought in any of the courts of this state, touching, or in any way concerning, churches that may be incorporated under this act, or which by vote of the quarterly conference thereof may have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

Prima facie
evidence of
appointment of
trustees.

SEC. 12. It is further provided that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees and that the necessary steps have been taken to give them full authority to make such transaction.

How may
extend
corporate
existence.

SEC. 13. Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence from time to time for a term not exceeding thirty years, by causing to be recorded in the office of the clerk of the county where such corporation is located, a copy of a resolution expressing a desire to so extend its corporate existence, which resolution shall be adopted by such corporation at a meeting called for the purpose by the pastor of the church or the presiding elder of the district within which said corporation is located. When such resolution is left for record with the clerk of the county within which said corporation is located it shall be duly attested by the pastor of the church or the presiding elder of the district. Upon the leaving of such resolution for record, as above specified, with the attestation as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term not exceeding thirty years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

Resolution
must be
attested by
pastor or
presiding elder.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 12.]

AN ACT to provide for the relief of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war.

The People of the State of Michigan enact:

SECTION 1. That an amount not exceeding the sum of four one-hundredths of a mill on each one dollar of the equalized valuation of taxable property of the State as fixed by the State Board of Equalization for the year one thousand eight hundred and ninety-six, is hereby appropriated from the general fund, not otherwise appropriated, to be set apart and be nominated "The Soldiers' Aid Fund," for the maintenance, care and support of sick, disabled and needy Michigan ex-soldiers, sailors and marines of the late Spanish-American war, and Michigan men who enlisted from this State in any other State volunteer forces, or the United States regular service in said war and who were employed in the United States volunteer or regular service in the said war, and were residents of this State at the time of said enlistment and service, and who reside within this State, and have been honorably discharged from such service, or who may be hereafter honorably discharged, prior to July first, A. D. one thousand eight hundred and ninety-nine.

Appropriation
for soldiers'
aid fund.

SEC. 2. The prosecuting attorney, judge of probate, county clerk and county treasurer of every organized county within this State are hereby constituted a county relief board, for the purpose of ascertaining the necessity of extending relief to any sick, disabled or needy ex-soldier, sailor or marine of said war within their respective counties, and whenever a majority of such board shall determine that it is just and proper to extend relief to any such sick, disabled or needy ex-soldier, sailor or marine within their county, they are hereby authorized to make such arrangement as they shall deem necessary, for the proper care, maintenance and support of such ex-soldiers, sailors and marines as are specified in section one of this act: *Provided*, That the amount which said board is authorized to arrange for being incurred by the terms of this act shall not exceed four one-hundredths of a mill on each one dollar of the equalized valuation of taxable property of the county as determined by the State Board of Equalization for the year one thousand eight hundred and ninety-six: *And Provided further*, That the members of said board shall perform the services required of them under this act without compensation and without expense to the State or any county thereof, of any nature whatsoever.

Relief boards,
who to
constitute.

When to extend
relief.

Proviso.

Further
proviso.

SEC. 3. It shall be the duty of such county relief boards to keep a correct record of all expenditures authorized by them for the care and support of every such sick, disabled or needy

Relief boards
to keep record
of expense, etc.

Relief boards
to report to
military board.

Duty of county
relief boards.

Auditor
General to issue
warrants.

Proviso.

Amounts to be
charged against
appropriation.

Proviso.

Proviso.

Penalty for
embezzlement
of funds, etc.

ex-soldier, sailor or marine within their county, and said board shall, at least once in each month during the time this act shall be and remain in force, report to the State Military Board a complete account of all expenditures or indebtedness so authorized by them, showing the reasons therefor, when and for whom such expenditures were authorized and such additional facts as they may deem necessary and proper.

SEC. 4. The several county relief boards created by this act shall, once in each month, from and after the time this act takes effect, present to the Auditor General itemized vouchers upon form furnished by the State and certified to under oath by a majority of the members of said board, showing the several expenditures authorized by said board, the reasons therefor, and when, and for whom such expenditures were authorized, and when such vouchers properly receipted by the payee shall also contain a certificate of the State Military Board certifying to their correctness, the Auditor General shall issue his warrant for the payment of the amount so certified in said vouchers: *Provided*, That the total amount of such vouchers issued to claimants in each county shall not exceed the maximum amount specified for each county by the terms of this act.

SEC. 5. The amount paid by the Auditor General by voucher under the terms of this act shall be charged against the amount of the appropriation herein provided for to which each county is entitled: *Provided*, That no part of the moneys appropriated by this act shall be expended for the maintenance, care and support of such ex-soldiers, sailors and marines which shall not have been incurred previous to the first day of July, one thousand eight hundred and ninety-nine, and it shall be the duty of each of said county relief boards to make their final report to the State Military Board, and to present to the Auditor General their certificates showing the expenditures herein provided for to the first day of August, one thousand eight hundred and ninety-nine, by the first day of September next succeeding: *Provided*, That every county having an unused balance of this appropriation to its credit, shall have the same placed to the credit of the general tax account of such county with the State.

SEC. 6. If any person shall embezzle, fraudulently use, appropriate, or intentionally misappropriate any part of the moneys provided for in this act, or shall intentionally apply any part of said moneys to any other use than that herein specified, such person shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the State prison for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 13.]

AN ACT to provide a Probate Register for Berrien County and to fix his compensation.

The People of the State of Michigan enact:

SECTION 1. That the judge of probate of Berrien county shall have power to appoint a probate register for said county, who shall receive an annual salary as provided by section one hundred eighty-three, public acts eighteen hundred ninety-three, to be paid monthly out of any money in the county treasury of said county not otherwise appropriated. Said register shall have power to receive all petitions and fix the time for all hearings and do all other acts required of the judge of probate, except judicial acts. The said register shall hold office during the term for which the judge of probate appointing him shall have been elected, unless sooner removed by said judge of probate.

Appointment of probate register authorized.

Salary.

Power of probate register.

Term of office.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 14.]

AN ACT to establish the office of Assistant Treasurer for the County of Muskegon, naming his powers and duties and fixing the salary thereof.

The People of the State of Michigan enact:

SECTION 1. That the treasurer of the county of Muskegon shall appoint an assistant treasurer for said county, who shall be under the direction of the treasurer and assist him in the duties of his office, and who, in the absence of the treasurer from his office, or in case of a vacancy or any disability of the treasurer to perform the duties of his office, shall perform all the duties of the office of treasurer until such vacancy be filled, or such disability be removed: *Provided*, That nothing in this act shall be construed as in any way relieving the county treasurer from any responsibilities on his bond as provided in section thirty-six of act fifty-seven of the laws of eighteen hundred fifty-nine.

Treasurer to appoint assistant.

Powers and duties.

Proviso.

SEC. 2. The assistant treasurer for the county of Muskegon shall receive as compensation for his services the sum of one thousand dollars per annum, which salary shall be paid in monthly payments out of the contingent fund of the county: *Provided*, That for the term commencing January first, A. D.

Compensation of assistant.

Proviso.

nineteen hundred one, and for all terms thereafter, the salary of the said office of assistant county treasurer shall be fixed by the board of supervisors of said county of Muskegon, in the same manner as the salary of other county officers is fixed under the general law.

This act is ordered to take immediate effect.

Approved March 8, 1899.

[No. 15.]

AN ACT to amend Sections Two and Nine of Act 186 of the Public Acts of 1897, entitled "An act defining the limits of the judicial circuits of the State of Michigan," and to add a new Section thereto.

The People of the State of Michigan enact:

Act-amended. SECTION 1. Act number 186 of the Public Acts of 1897, entitled "An act defining the limits of the judicial circuits of the State of Michigan," be and the same hereby is amended by adding a new section thereto, creating the thirty-sixth judicial circuit, and by amending sections two and nine so as to read as follows:

Judicial circuits changed. SEC. 2. The second circuit shall be composed of the county of Berrien.

SEC. 9. The ninth circuit shall be composed of the county of Kalamazoo.

36th judicial circuit formed. SEC. 36. The thirty-sixth circuit shall be composed of the counties of Van Buren and Cass.

This act is ordered to take immediate effect.

Approved March 8, 1899.

[No. 16.]

AN ACT to amend section four of act number one hundred and twenty-nine of the Public Acts of eighteen hundred and eighty-three, entitled "An act for the organization of Telephone and Messenger Service Companies," approved May thirty-first, eighteen hundred and eighty-three, the same being section six thousand six hundred and ninety-one of the Compiled Laws of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

Section amended. SECTION 1. That section four of act number one hundred and twenty-nine of the public acts of eighteen hundred and

eighty-three, entitled "An act for the organization of telephone and messenger service companies," approved May thirty-first, eighteen hundred and eighty-three, the same being section six thousand six hundred and ninety-one of the compiled laws of eighteen hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 4. Every such corporation shall have power to construct and maintain lines of wire or other material, for use in the transmission of telephonic messages along, over, across, or under any public places, streets and highways, and across or under any of the waters in this State, with all necessary erections and fixtures therefor: *Provided*, That the same shall not injuriously interfere with other public uses of the said places, streets and highways, or injure any trees located along the line of such streets or highways nor shall the same interfere with the navigation of said waters, or the running of railway trains; to construct, provide and furnish instruments, devices, and facilities for use in the transmission of such messages, and to construct, maintain and operate telephone exchanges and stations, and generally to conduct and carry on the business of providing and supervising communication by telephone, and also the business of furnishing messenger service in cities and towns: *Provided further*, That whenever any corporation organized under the provisions of this act for the purpose of constructing any public telephone line in the Upper Peninsula of this State finds it impracticable to construct its said lines upon any of the public places, streets and highways and across or under any waters in this State, on account of which it may desire to acquire any right of way for its said lines over, through, under and across any lands needed therefor, and is unable to agree with the owner of such lands for the purchase of said right of way, such corporation shall have the right to acquire the title to said right of way, outside of the corporate limits of cities and villages, upon making just compensation to the owner of such lands, in the same manner and by the same proceedings as provided for in chapter one hundred and sixty-four of the compiled laws of eighteen hundred and ninety-seven of this State for the condemnation of lands for right of way by railway companies: *Provided further*, That whenever the owner of any lands which are not traversed by any railway objects to having any telephone company run its line of right of way across his lands at any point, then the said telephone company shall confine its line of right of way to established subdivision lines. Whenever the owner of any lands which are traversed by any railway shall object to having any telephone company run its line of right of way across his lands at any point then the said telephone company shall confine its line of right of way to established subdivision lines or immediately adjoining and along the right of way of said railway. And it shall be lawful for any such corporation to purchase and hold a portion of the stock of any corporation

May construct and maintain telephone line.

Proviso.

Further proviso.

May acquire right of way in U. P. by condemnation.

Further proviso.

May purchase
real estate.

owning or controlling by patent, or otherwise, the use of any instrument or device necessary or convenient for use, in the transmission or reception of telephonic messages, and to purchase and hold all real property necessary to carry out the purposes of its organization.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 17.]

AN ACT providing for changing the name of the Michigan Asylum for Dangerous and Criminal Insane at Ionia.

The People of the State of Michigan enact:

Name changed
to State
Asylum.

SECTION 1. The name of the Asylum for Dangerous and Criminal Insane at Ionia shall hereafter be known as "State Asylum," and all acts or parts of acts conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 15, 1899.

[No. 18.]

AN ACT to prohibit the taking, catching or destruction of brook trout and other fish in Russell Creek and tributaries thereof, on sections eighteen, nineteen and twenty, and the south-west quarter of section seventeen, in the township of Hart, Oceana County, Michigan.

The People of the State of Michigan enact:

Taking fish
prohibited.

SECTION 1. It shall not be lawful for any person or persons to take, catch or kill, or attempt to take, catch or kill, any brook trout or other fish in Russell Creek or any of its tributaries, on any of the following described lands, viz.: Sections eighteen, nineteen and twenty, and the south-west quarter of section seventeen, all in the township of Hart, in Oceana county, Michigan, for a period of ten years from the first day of May, eighteen hundred ninety-nine.

Who deemed
prima facie
guilty.

SEC. 2. Any person who shall be seen along the banks of any of the waters mentioned in said section one, or in any of said waters, with hook and line, or any other fishing device, in his possession, shall be deemed prima facie guilty of attempting to catch fish in said waters.

SEC. 3. Any person who shall violate any provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding ten dollars, together with costs of prosecution, and in default of payment of such fine and costs shall be imprisoned in the county jail for a period not exceeding twenty days. Penalty for violation of act.

This act is ordered to take immediate effect.

Approved March 15, 1899.

[No. 19.]

AN ACT to provide for the assessment and levy of taxes upon the property of Railroad Companies, Express Companies, Telegraph Companies and Telephone Companies and the collection thereof, and the designation and election of a State Board of Assessors to make such assessment and levy, and defining the duties of such board, and the compensation of its members, and to repeal all other acts or parts of acts whether in the acts for incorporation of Union Railroad Station and Depot grounds, or any other law of this State, so far as such acts or parts of acts are inconsistent with this act, and no further, and to apply the taxes assessed and collected under this act to pay "the interest upon the primary school, university and other educational funds and the interest and principal of the State debt, in the order herein recited until the extinguishment of the State debt, other than amounts due to educational funds, when such taxes to be collected under this act be added to, and constitute a part of the primary school interest fund."

The People of the State of Michigan enact:

SECTION 1. It shall be the duty of the Governor, by and with the advice and consent of the senate, within five days after this act shall have been approved by the Governor, to appoint three resident freeholders of this State, who shall be duly qualified electors thereof, who shall constitute a State Board of Assessors, with powers and duties as prescribed under the provisions of this act. Governor to appoint board of assessors. The Auditor General shall always, during his term of office, be president of said board, but shall have no power except as presiding officer of said board, unless expressly given herein. Auditor General president of board. The persons so appointed shall hold their offices for the term of two years from and after January fifteenth, eighteen hundred ninety-nine, or until their successors shall be appointed and have qualified. Term of office. At the expiration of the terms of office of the members of said board their successors in office, so long as this act shall remain Appointment of successors.

Appointments, when to be made.	in force, shall be appointed by the Governor by and with the advice and consent of the senate. All appointments which are provided to be made by the Governor by this section of this act shall be made while the legislature is in session, and not at any other time, except in cases where vacancies in office shall occur otherwise than by expiration of the term of office of any member of said board. In case of vacancy in office occurring otherwise than by expiration of the term the Governor shall have power to appoint to fill such vacancy at any time, and the persons so appointed shall hold office until the next meeting of the legislature after their appointment and no longer.
Vacancy, how filled.	
Term of office.	
Election of secretary.	SEC. 2. Said board shall elect a secretary at a salary not to exceed eighteen hundred dollars per annum. The secretary so appointed shall hold his office during the pleasure of said board and shall keep a record of all the proceedings of said board, which record with all other papers or proceedings of said board shall be a part of the records of the Auditor General's office, and of which the Auditor General shall be the lawful custodian. The secretary shall devote all his time to the duties of his office, and when said board is not in session shall perform such duties as may have been assigned him by said board or as he may be directed to perform by the Auditor General.
Term of office. Duties.	
Auditor General custodian board records.	
Further duties of secretary.	
Oath of office.	SEC. 3. The members of said board, and the secretary, shall take and subscribe the constitutional oath of office to be filed with the Secretary of State.
Place of meeting. Right of access to state records.	SEC. 4. Said board shall hold its sessions at the office of the Auditor General. It shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of the public records. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. It shall make an assessment roll each year containing a list of all property by it assessed, which assessment roll shall be filed with the Auditor General and be open to inspection like the other files and records in his office. Said board shall have the right to subpoena witnesses upon a subpoena signed by the president of said board, and attested by the secretary thereof, directed to such witnesses, and which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State, and the attendance of witnesses may be compelled by attachment to be issued by any circuit court in the State upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall have power to examine witnesses under oath, said oath to be administered by any member of
To county, township and municipal records.	
Annual assessment roll.	
Right to subpoena.	
Compulsory attendance of witnesses.	
Compensation for serving subpoena. Power to examine witnesses.	

said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property to be assessed by said board; and if any corporation, firm or individual refuse to permit said inspection, or neglect or fail to appear before said board in response to its subpoena, said corporation, firm or individual shall forfeit the sum of five hundred dollars to the State. The sum so forfeited may be recovered in a proper action brought in the name of the people of the State of Michigan in any court of competent jurisdiction.

Right to examine books, etc., of one to be assessed.

Refusal to permit examination. Failure to appear. Penalty therefor.

SEC. 5. Said board shall meet on the first Monday in September in each year, and between that time and the first Monday in November of each year assess all the property in this State of railroad companies, express companies, telegraph companies and telephone companies now organized or hereafter organized and doing business in this State, under any law of this State or any state or country. Said board may inspect all the property belonging to said companies, for the purpose of arriving at the true cash value thereof, for the purposes of assessment and taxation. Said board may, for the same purpose, take into consideration the reports and returns of said companies on file in the office of any officer in this State, the value of the stock of such corporation as listed on the stock exchange of New York and Boston, together with such other evidence as it may be able to obtain bearing upon the true cash value of the property of said companies in this State.

Time of meeting. Assessments, when to be made.

Inspection of property.

Consideration of companies' reports and returns.

SEC. 6. Said board shall determine and enter upon its record the aggregate taxes raised in the whole State, for State, county and municipal purposes, for the current year, not including special assessments on property particularly benefited. All State, county and municipal officers shall make such returns to said board as it shall require upon blanks to be furnished such officers by the Auditor General, so as to enable said board to ascertain with exactness the aggregate taxes as above provided. Said board shall determine the average rate of State, county and municipal taxes throughout the State by dividing aggregate taxes for the current year, as ascertained under this section, by an aggregate sum to be determined by adding to the total value of all property assessed under this act the equalized value of all property assessed in the State as fixed by the State Board of Equalization at its last meeting. Municipalities within the meaning of this act shall be construed to include school districts as well as cities, villages and other municipalities.

Aggregate taxes raised in State, to be recorded.

Returns of State, county and municipal officers.

Average rate, how determined.

Municipalities, what to include.

SEC. 7. Said board shall tax the property of the several companies as assessed by it, at the average rate of taxation as determined by it, and the amount of tax to be paid by each of said companies shall be extended upon said assessment roll opposite the descriptions of their respective properties, and the tax so extended shall be paid to the State Treasurer by said

To tax at average rate determined.

Tax to be paid, how recorded.

When to be paid. companies respectively on or before the first Monday in January following the assessment and levy aforesaid, which

Tax, what to include. tax when so assessed and levied shall be in lieu of all other taxes for State and local purposes, not including special assessments on property particularly benefited made in any county, city, village or township. The taxes so extended against said companies shall constitute a lien upon all the property of said companies, real, personal and mixed from the time of the extension of said taxes until the payment thereof, which lien may be enforced by the State like other liens in any court of competent jurisdiction.

Taxes a lien on companies' property.

Enforcement of lien.

Railroad company, definition of. SEC. 8. Any person or persons, joint stock company or corporation owning and operating a railroad in this State, or owning and operating a union railroad station and depot in this State, whether under special charter or the general railroad law or the act to authorize the incorporation of union railroad stations and depots, or any other act of this State or any other state or country, shall be deemed a railroad company within the meaning of this act.

Express company, how defined. SEC. 9. Any person or persons, joint stock association or corporation, wherever organized or incorporated or wherever residing, engaged in the business of conveying to, from or through this State, or any part thereof, money, packages, gold, silver, plate, or other articles by express, not including the ordinary lines of transportation of merchandise and property in this State, shall be deemed an express company within the meaning of this act.

Telegraph company, how defined. SEC. 10. Any person or persons, joint stock association or corporation, wherever organized or incorporated or wherever residing, engaged in the business of transmitting to, from, through or in this State, telegraphic messages, shall be deemed a telegraph company within the meaning of this act.

Telephone company, definition of. SEC. 11. Any person or persons, joint stock association or corporation, wherever organized or incorporated or wherever residing, engaged in the business of transmitting to, from or through or in this State telephonic messages, shall be deemed a telephone company within the meaning of this act.

Annual statement under oath to be filed with the Auditor General, what to contain. SEC. 12. Every railroad, express, telegraph and telephone company defined in the preceding sections, doing business in this State, shall annually, between the first and thirty-first days of May in each year, under the oath of such person or persons, or under the oath of the president, secretary, treasurer, superintendent or chief officer of such association or corporation, make and file with the Auditor General, for the use of said board, in such form as the Auditor General may prescribe, a statement containing the following facts:

First, The name of the company;

Second, The nature of the company, whether a person or persons, an association or corporation, and under the laws of what state or country organized:

Third, The location of its principal office;

Fourth, The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager;

Fifth, The name and postoffice address of the chief officer or managing agent of the company in Michigan;

Sixth, The number of shares of the capital stock;

Seventh, The par value and market value, or if there be no market value, the actual value of the shares of stock on the first day of May;

Eighth, A detailed statement of the real estate owned by the company in Michigan, where situated, and the value thereof as assessed, if it is assessed for taxation under any other law;

Ninth, A full and correct inventory of the personal property including moneys and credits owned by the company, in Michigan, on the first day of May, where situate and the value thereof;

Tenth, The total value of the real estate owned by the company, situate outside of Michigan;

Eleventh, The total value of the personal property of the company and situate outside of Michigan;

Twelfth, In case of railroad, telegraph and telephone companies, the whole length of their lines and the length of so much of their lines as is without and as is within Michigan, which lines shall include what said railroad, telegraph and telephone companies control and use as owners, lessees, or otherwise;

Thirteenth, A statement of the entire gross receipts of the company, from whatever source derived, for the year ending the first day of May, from business wherever done;

Fourteenth, A statement of the gross receipts for the year ending the first day of May from whatever source derived and the total gross receipts of the company for such period in this State;

Fifteenth, In case of express companies, the whole length of the lines of rail and water routes over which the company did business on the first day of May, and the length of so much of said lines of land and water transportation as is without and is within this State, naming the lines within this State, excluding all ocean lines from such statement;

Sixteenth, Such other facts and information as said board may require, in the form of the returns prescribed by the Auditor General. Blanks for making the above statement shall be furnished to such companies on application to the secretary of said board: *Provided, however,* That the reports hereby provided for shall not in any way relieve any of said companies from making the reports now required to be made to other State officers: *Provided further,* That the report herein required to be made for the year eighteen hundred ninety-nine shall be made on or before the first day of September, eighteen hundred ninety-nine.

Franchises,
how con-
sidered.

SEC. 13. The franchises of the companies assessed under this act shall be considered in connection with the other things mentioned in section five of this act in determining the value of the property to be assessed, and in case any of said railroad companies own and operate railroads partly within and partly without this State, said board shall, for the purpose of taxation only, assess said company for the fair proportion which its property in this State bears to its entire property, and to ascertain such cash value the earning capacity of such corporate property may be considered.

Assessment,
how made.

SEC. 14. Said board shall ascertain and assess the value of all property of railroad companies, express companies, telegraph and telephone companies doing business in this State at its true cash value, and in determining the property for such purposes in this State to be taxed within the State and assessed as herein provided, the board shall be guided by the value of said property as determined by the entire capital stock of said companies and such other evidence as will enable said board to arrive at the true cash value of the entire property of said companies within this State in the proportion which the same bears to the entire property of said company, as determined by the value of the capital stock thereof and such other evidence.

Action of board
on failure or
refusal to make
statement.

SEC. 15. In case any company fails or refuses to make the statement required by this act, or to furnish any information requested, the board shall inform itself as best it may on the matters necessary to be known in order to discharge its duties with respect to the assessment of the property of said company.

Right of those
interested to
appear before
board.

SEC. 16. At any time after the meeting of said board in September as above provided, and before the final assessment of the property of any such company is determined, any company or person interested shall have the right, on written application, to appear before said board and be heard as to the valuation of the property of said company, and said board may, on such application or on its own motion, correct the assessment or valuation of the property of any such company or person in such manner as will in its judgment make the valuation thereof just and equal.

Penalty for
failure to make
and file
statement.

SEC. 17. In case any company required to file a statement under the provisions of this act fails to make and file such statement on or before the thirty-first day of May, or in the year eighteen hundred ninety-nine on or before the first day of September, such company shall be subject to a penalty of five hundred dollars and an additional penalty of one hundred dollars for each day's omission [omission] after the day prescribed for the making of such report, to file such statement, such penalty to be paid to the State and to be recovered in an action in the name of the people of the State of Michigan in any court of competent jurisdiction.

SEC. 18. Said board shall not include in its assessment against said companies any property already assessed upon its value for taxation under any other law in this State.

Property
exempt.

SEC. 19. All taxes collected under this act shall be applied in paying the interest on the primary school, university and other educational funds, and the interest and principal of the State debt, in the order recited, until the extinguishment of the State debt other than the accounts due to educational funds, when such taxes shall be added to and constitute a part of the primary school interest fund, and such taxes as are collected under the provisions of this act shall be treated and disbursed as other specific taxes are now treated and disbursed.

Application of
taxes collected.

SEC. 20. It shall be the duty of said board to make and prepare an assessment roll setting forth the valuation and assessment and the taxes assessed upon all property to be assessed and taxed under the provisions of this act, and to file the same with the Auditor General of the State on or before the tenth day of December in each and every year. And it shall be the duty of the Auditor General to notify the persons or corporations so assessed to pay the taxes assessed against them respectively to the Treasurer of the State of Michigan on or before the first Monday of January next succeeding the date of said notice.

Board to make
and prepare
assessment
roll.

How filed.

Duty of
Auditor
General.

SEC. 21. If said corporation shall neglect or refuse to pay such tax on or before February first, two per cent a month shall be added to such tax as a penalty and the Attorney General upon request of the Governor shall commence suit or proceedings in any court of competent jurisdiction to collect the tax and penalty by foreclosing the lien upon the real estate or corporate interests assessed.

Refusal or
neglect to pay
tax. Penalty
therefor.

SEC. 22. The appointed members of the said board shall receive an annual salary of two thousand five hundred dollars, and shall devote their whole time to the discharge of the duties of their office (and they shall also receive their necessary expenses in the performance of their duties) both to be audited and allowed by the Board of Auditors and paid by the State Treasurer out of the general fund.

Compensation
of board.

SEC. 23. Said board shall attach to the assessment roll herein provided for a certificate to be signed by the members of said board, or the majority of said members who have taken part in the assessment of the property of said companies in the following form:

Certificate to be
attached to
assessment roll.

We do hereby certify that we have set down in the above assessment roll all the property of all the railroad companies, express companies, telegraph companies and telephone companies liable to be taxed in this State, according to our best information, and that we have estimated the same at what we believe to be true cash value thereof, and that we have assessed the taxes on the same at the average rate of taxes for State, municipal and local purposes levied throughout the

State during the present year, not including special assessments for improvements assessed against the properties benefited in counties, cities, villages or townships.

"Cash value,"
meaning of.

SEC. 24. The words "cash value" wherever used in this act shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained at private sale and not at forced or auction sale.

Property, sale
of for taxes.

SEC. 25. Whenever property is sold for taxes under this act, and such property is incapable of division, it may be sold as an entirety, and if there is a surplus arising from the sale of such property the same shall be turned over to the person or corporation against whom the taxes for which it is sold shall have been assessed. And if said surplus is claimed by any other person or corporation than the person or corporation for whose tax such property is sold, and such claim shall be contested, either of the contestants may prosecute an action against the other as for money had and received, and in such action the right of the parties to such surplus shall be determined. All the money arising from such sale, less the fees of the officer making such sale, shall in the first instance be paid to the State Treasurer, and upon presentation to such treasurer of a certified copy of the final judgment rendered in such action he shall pay over such surplus to the party recovering such judgment.

Wilful incor-
rect assessment
a misdemeanor.

SEC. 26. If said board shall wilfully assess any property at more or less than what the members taking part in making such assessment believe to be its true cash value, the members voting in favor of such assessment shall be guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five thousand dollars each.

Penalty.

Gratuities.
Forfeiture by
those offering.

SEC. 27. If any person or corporation whose property is subject to assessment under this act shall directly or indirectly promise, offer or give to any members of said board during his term of office, or to any other person at his request, any gratuity of any kind whatever, such person or corporation shall forfeit to the State the sum of ten thousand dollars for every such offense, to be recovered in an action in the name of the people of the State of Michigan in any court of competent jurisdiction. And the recovery of such sum under this act shall not constitute a bar to any prosecution of the person or corporation so offending under the criminal laws of this State.

Acts repealed.

SEC. 28. All other acts or parts of acts, whether contained in acts for the incorporation of union railroad stations and depot companies, or in any other law of this State so far as such acts or parts of acts are inconsistent with this act and no further, are hereby repealed: *Provided, however,* That all rights which the State has now under any of said acts for taxes or penalties shall not be in any way affected by this act

Proviso.

and shall not constitute a bar against any prosecution or recovery on account of such taxes or penalties.

This act is ordered to take immediate effect.

Approved March 15, 1899.

[No. 20.]

AN ACT to amend section six of Act number three hundred four, Session Laws of eighteen hundred eighty-seven, entitled "An act to provide a general law under which Corporations may be formed to carry on Printing, Publishing and Book making, and any or either of them," approved June twenty-eight, eighteen hundred eighty-seven, being Compiler's Section four thousand two hundred and five f of Chapter one hundred twenty-nine a, of Volume three of Howell's Annotated Statutes of the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. That Section six of act number three hundred four, Session laws of eighteen hundred eighty-seven, entitled "An act to provide a general law under which corporations may be formed to carry on printing, publishing and book making, and any or either of them," approved June twenty-eight, eighteen hundred eighty-seven, being compiler's section four thousand two hundred five f of chapter one hundred twenty-nine a, of volume three of Howell's Annotated Statutes of the State of Michigan, be amended so as to read as follows:

SEC. 6. The stock, property, business and affairs of any such corporation shall be managed by not less than three nor more than nine directors, who shall be chosen by the stockholders at such time and place as shall be provided by the by-laws of the corporation. Such directors must be stockholders and of full age. They shall hold office for such time, not exceeding three years, as shall be provided by said by-laws, and said by-laws may provide for a classification of the directors, so that the term of office of the several classes shall expire at different times. If a director or directors shall not be elected at any time when by said by-laws they should have been, the corporation shall not thereby be dissolved or impaired, but an election may be held at any time thereafter to be fixed, and notice thereof to be given by the directors in such manner as said by-laws shall provide. *Provided*, That in case the directors fail or refuse so to do for three months after the

Section amended.

Business, etc., to be managed by directors.

Qualification and term of office.

Proviso.

time when such election should have been had, any three stockholders may call the meeting for such election by giving notice as provided in section five hereof.

This act is ordered to take immediate effect.

Approved March 20, 1899.

[No. 21.]

AN ACT to amend Act Number one hundred eighty-three of the Public Acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of Circuit Court Stenographers in the State of Michigan," approved May 29, eighteen hundred ninety-seven, and by adding a new section to stand between sections 48 and 49 of said Act, to be known as section 48a.

The People of the State of Michigan enact:

Act amended. SECTION 1. That Act Number one hundred eighty-three of the Public Acts of eighteen hundred ninety-seven, entitled "An Act to provide for the appointment, and to fix the term of office, duties and compensation of Circuit Court Stenographers in the State of Michigan," approved May 29, eighteen hundred ninety-seven, be amended by adding a new section to stand between sections 48 and 49 of said Act, to be known as section 48a, to read as follows.

Section added. SECTION 48A. In the thirty-sixth circuit of the State of Michigan the Stenographer shall be paid an annual salary of twelve hundred dollars.

This act is ordered to take immediate effect.

Approved March 20, 1899.

[No. 22.]

AN ACT to amend section number five of act number one hundred and thirty-five of the Public Acts of Michigan of eighteen hundred ninety-five, entitled "An act to provide for the holding of Primaries in Cities of not less than fifteen thousand inhabitants and not over one hundred fifty thousand inhabitants, and to punish frauds thereon, and by delegates elected thereat, and the corruption and attempted corruption of such delegates."

The People of the State of Michigan enact:

SECTION 1. That section number five of act number one hundred and thirty-five of the public acts of Michigan of eighteen hundred ninety-five, entitled "An act to provide for the holding of primaries in cities of not less than fifteen thousand inhabitants and not over one hundred fifty thousand inhabitants, and to punish frauds thereon, and by delegates elected thereat, and the corruption and attempted corruption of such delegates," be and the same is hereby amended so as to read as follows, to wit:

Section amended.

SEC. 5. The primaries in any city affected by this act and containing less than thirty thousand inhabitants shall be held between the hours of four and eight o'clock p. m., standard time. The primaries in any city affected by this act and containing more than thirty thousand inhabitants shall be held between the hours of two o'clock and eight o'clock p. m., standard time.

Time of holding primaries in cities.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 23.]

AN ACT to prohibit taking or catching fish in any of the waters of Mecosta county, by any means whatever, except with hook and line.

The People of the State of Michigan enact:

SECTION 1. Hereafter it shall not be lawful for any person or persons to take or catch fish in any lake, pond, stream or other waters within the county of Mecosta, by any means whatever, except by hook and line.

Unlawful to catch fish in certain waters.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail for a period not exceeding

Penalty.

ninety days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 24.]

AN ACT to provide for the election of but one Justice of the Peace, and one Associate Justice of the Peace, in the City of Muskegon; to fill vacancies in said offices; to give to said city certain fines imposed by said justices, and the fees and earnings of said offices; to fix the compensation of said justices, prescribe their powers and duties; to abolish and discontinue the offices of the present four Justices of the Peace in said city, and to repeal all acts and parts of acts inconsistent with or contravening this act.

The People of the State of Michigan enact:

Justice of the
peace, election
of, etc.

SECTION 1. That on the first Monday of April, in the year eighteen hundred and ninety-nine, and on the first Monday of April in each four years thereafter, and at no other time, except as hereinafter provided, the qualified voters of the city of Muskegon, shall elect one justice of the peace, who shall, within ten days from the date of said election, take and file his oath of office and his bond of office, in manner and form prescribed by the general law of the State, and enter upon the discharge of the duties of said office, and shall hold said office for the term of four years thereafter, and until his successor is elected and qualified.

Term of office.

Salary.

SEC. 2. Said justice of the peace shall receive an annual salary, from the treasury of said city, in such sum as the common council of said city shall determine, each year, not less than one thousand dollars and not exceeding eighteen hundred dollars, payable in monthly installments. Said justice of the peace shall not be absent from said city on any business day, unless granted leave of absence by resolution of said common council.

Restrictions as
to leave of
absence.

Associate
justice, when
elected, etc.

SEC. 3. On the first Monday of April, in the year nineteen hundred and one, and on the first Monday of April in each four years thereafter, and at no other time, except as herein-after provided, the qualified voters of said city shall elect one associate justice of the peace, who shall, within ten days from the date of said election, take and file his oath of office and his bond of office, in manner and form prescribed by the general law of the State, and enter upon the discharge of the duties of said office, and shall hold said office for the term of four

Term of office.

years thereafter, and until his successor is elected and qualified.

SEC. 4. Said associate justice of the peace shall have no powers, duties nor jurisdiction, except only at such times and in such cases as there shall be vacancy in the said office of said justice of the peace, or when said justice of the peace shall be unable to perform the duties of his said office by reason of sickness of himself or some member of his family, or his absence from the said city, or shall be disqualified to act by the general law of the State; then at such times and in such cases said associate justice shall, for the time being, assume the powers, duties and jurisdiction, and control of the office, dockets, business and cases of said justice of the peace, shall proceed to the trial of cases already commenced, issue process in commencement of new cases, and conduct the affairs and business of said office as justice of the peace, until said vacancy shall be filled, or said justice of the peace is again able to perform the duties of said office, and the cases commenced and unfinished by said associate justice shall be conducted and finished by said justice of the peace.

Powers and duties.

SEC. 5. Said associate justice of the peace shall receive, for the time actually spent in the discharge of the duties named in section four of this act, from the treasury of said city, such sum per diem as said common council shall determine, each year, payable at the time such service is rendered.

Compensation, how paid.

SEC. 6. All the fines imposed by either of said justices, in prosecutions for the violation of any city ordinance, and the fees and earnings of either of said offices shall belong to the city of Muskegon and shall be, by either of said justices, or any official collecting the same, turned over to the treasurer of said city, on the first business day of each month, and each of said justices shall, at the same time, make detailed report to said common council of the earnings and fees of his said office for the month then past.

Disposition of fines, etc.

SEC. 7. The said common council shall provide suitable court room or office, dockets and books for said justice, and said justice shall be police justice of said city.

Council to provide court room, etc.

SEC. 8. Said justice shall have the same powers, duties and jurisdiction as are prescribed by the general law of the State, and the charter of said city, relative to justices of the peace and justice courts, and the police court of said city.

Powers, duties, etc., of justice.

SEC. 9. Vacancies in said offices of justice of the peace and associate justice of the peace, shall be filled for the unexpired term by election at any regular or annual election held in said city, or at any special election held for that purpose, in accordance with the provisions of the charter of said city for holding special elections.

Vacancies, how filled.

SEC. 10. At the expiration of the term for which each of the present four justices of the peace of said city were elected, or whenever vacancy shall occur in either of said offices,

When offices of present justices abolished.

Disposition of
records,
dockets, etc.

the same shall be and hereby is abolished and discontinued; the files, records and dockets belonging or appertaining to each of said offices hereby abolished and discontinued shall, at the expiration of the term for which either of said justices was elected, or when a vacancy shall occur in either of said offices, be filed with the justice of the peace whose election is provided by this act, and said last named justice shall be and hereby is authorized and empowered to issue execution upon any judgment, or transcript of any judgment appearing upon said dockets, in the same manner and with like effect as if judgment had been rendered by him.

Power of
justice in
matters
transferred.

Acts repealed.

SEC. 11. All acts or parts of acts inconsistent with or contravening this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 25, 1899.

[No. 25.]

AN ACT to provide for the purchase of books and equipments for the Michigan State library and the Michigan traveling libraries.

The People of the State of Michigan enact:

Appropriation
for purchase of
books for state
library.

Money, how
drawn and
expended.

Appropriation
for traveling
libraries.

SECTION 1. That the sum of five thousand dollars, to be assessed, levied and collected in the same manner as other State taxes, is hereby appropriated for each of the years eighteen hundred ninety-nine and nineteen hundred, for the purchase of books and such other material as is appropriate to be added to the State library. The money so appropriated shall be drawn from the State treasury upon the warrant of the Auditor General, and shall be expended by the State Librarian, with the advice and consent of the Governor, for the purchase of books, pamphlets, papers, documents and other matter for the library, and for other purposes of benefit and advantage to said library.

SEC. 2. There shall be appropriated from the treasury of the State, from funds not otherwise appropriated, the sum of two thousand five hundred dollars, for the year eighteen hundred ninety-nine, and the sum of two thousand five hundred dollars for the year nineteen hundred, for the purchase of books and equipment of the Michigan traveling libraries.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 26.]

AN ACT to provide for the inspection of illuminating oils manufactured from pretroleum or coal oils, and to repeal act number one hundred twenty-seven, laws of eighteen hundred seventy-nine, as amended by act number forty-nine of the laws of eighteen hundred eighty-one, act number twenty of the laws of eighteen hundred eighty-three, act number seventy-one of the laws of eighteen hundred ninety-one, and act number ninety-four of the laws of eighteen hundred ninety-three.

The People of the State of Michigan enact:

SECTION 1. The Governor shall appoint a suitable person, resident of this State, who is not interested in manufacturing, dealing in or vending any illuminating oils manufactured from petroleum, as State Inspector of Oils, whose term of office shall be two years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said State Inspector, or his deputies hereinafter provided, to examine and test the quality of all such oils offered for sale by any manufacturer, vender or dealer, and if, upon such testing or examination, the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz.: "Approved," with the date, over his official signature, upon the package, barrel or cask containing the same. Should oil so tested or examined be contained in tank cars, it shall be the duty of the inspector, or one of his deputies, upon finding the oil so contained to meet the requirements herein-after specified, to furnish the owner of such oil with a certificate, either written or printed, or partly written and partly printed, and signed by such Inspector or one of his deputies, who shall inspect such oil, which certificate shall state the number and letters, or other marks of designation, of the tank car inspected, the number of gallons of oil contained in it, the date of inspection, the name of the owner, the city or town in which such tank car was inspected, the temperature at which the oil emitted an inflammable vapor, and that such oil is "approved." Upon each barrel or cask drawn from such tank car, and offered for sale, the same brand or device shall be affixed as is required for oil inspected in barrels or casks.

And to more effectually carry out the provisions of this act, it shall be lawful for the State Inspector, or his deputies, to enter into or upon the premises of any manufacturer, vender or dealer of said oils, and if they shall find or discover any kerosene oil, or any other product of petroleum, intended for sale or use for illuminating purposes, that has not been inspected and branded according to the provisions of this act, they shall proceed to inspect and brand the same. And it

Governor to
appoint
inspector of oils.

Term of office.

Duty of
inspector.

How branded.

Proceedings
when oil is in
tank cars.

Certificate of
approval.

Power of
inspector.

How branded when oil does not meet requirements.	shall be lawful for any manufacturer, vender or dealer to sell the oil so tested and approved as an illuminator; but if the oil or other product of petroleum so tested shall not meet said requirements, he shall mark in plain letters on said package, barrel or cask, over his official signature, the words: "Rejected for illuminating purposes." And any oil contained in tank cars which shall fail to meet said requirements shall be rejected by the Inspector or his deputy, and a written notice, stating number and letters, or other marks of designation, of the tank car so rejected, date and place of inspection, and that the oil has been "rejected for illuminating purposes," which notice, signed by the Inspector or deputy, shall be placed in the hands of the owner of such oil, and it shall be unlawful for the owner thereof to sell such oil or other product of petroleum for illuminating purposes, and if any person shall sell or offer for sale such rejected oil or other product of petroleum for such purpose, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding three hundred dollars, or by imprisonment in the county jail not more than one year, or both such fine and imprisonment in the discretion of the court. It shall be the duty of the State Inspector of Oils to supervise the use of all oil used on railroad trains for illuminating purposes, and to enforce section three thousand three hundred eighty-one of Howell's Annotated Statutes, and it shall be the duty of the State Inspector of Oils, and the deputy inspectors, to inspect all oils used on railroad trains for illuminating purposes.
Unlawful to sell certain oil.	
Penalty for violation of section.	
Certain oils used on railroad trains to be inspected.	
Inspector to appoint deputies. Proviso.	SEC. 2. The State Inspector provided for in this act is hereby empowered to appoint a suitable number of deputies: <i>Provided</i> , That the number of said deputies so appointed shall not exceed twenty-two, which deputies are hereby empowered to perform the duties of inspection and shall be liable to the same penalties as the State Inspector: <i>Provided</i> , That the State Inspector may remove any of said deputies for reasonable cause. It shall be the duty of the Inspector and his deputies to provide themselves at their own expense with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose to promptly inspect all oils hereinbefore mentioned, and to reject for illuminating purposes all oils which will emit a combustible vapor at a temperature of one hundred and twenty degrees of Fahrenheit's thermometer: <i>Provided</i> , The quantity of oil used in the flash test shall not be less than half a pint. The oil tester adopted shall be the Foster automatic tester cup, with the lighted wick placed inside the tube, and under the thimble which shall be used by the Inspector and his deputies.
Proviso as to removal.	
Apparatus for testing oils, how furnished.	
What oil to reject.	
Proviso.	
Tester to be used.	
To subscribe oath.	SEC. 3. Every person appointed State Inspector shall, before he enters upon the discharge of the duties of this office, take an oath or affirmation prescribed by the constitution and

laws of this State, and shall file the same in the office of the Secretary of State. The State Inspector shall execute a bond to the State of Michigan in such sum and with such surety as shall be approved by the Secretary of State, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglect of said Inspector or his deputies, and the same shall be filed with the Secretary of State. The deputy inspector shall, before he enters upon the duties of his office, take an oath, and file such bond with like conditions as is required of the State Inspector, said bond to be in such sum as shall be required by the State Inspector, with two sureties, to be approved by the State Inspector, and by the judge of probate, and file such oath and bond with the clerk of the county in which such deputy inspector resides. Such deputy shall also forward the county clerk's certificate of such filing to said State Inspector. Said Inspector shall collect forty cents per barrel for the first two barrels; thirty cents per barrel for the next three; twenty cents per barrel for the next five barrels, and fifteen cents for the next fifteen barrels of not less than fifty gallons each, and one-fifth of a cent for each and every gallon thereafter inspected, for each and every person: *Provided*, That should any person or persons offer for inspection, oil in car lots or over, then the fee shall be one-fifth of a cent for each and every gallon so inspected, and he shall pay over to the State Inspector, at the commencement of each month, all the moneys received by him for inspection; and in any case of inspection or branding, said fee shall be a lien on the oil so inspected. It shall also be the duty of every Inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of tanks, barrels, casks or packages, the name of the person for whom inspected, and the money received for such inspection, and said record shall be open to the inspection of all persons interested.

It shall also be the duty of every deputy inspector, at the commencement of each month, to forward to the State Inspector and Board of State Auditors true duplicate copies of such record for the preceding month. In the month of January, in each year, the State Inspector shall make and deliver to the Governor of the State and to the State Board of Health, annual duplicate reports of the inspection by himself and deputies during the preceding calendar year. All illuminating oils manufactured or refined in this State shall be inspected before being removed from the manufactory or refinery; and if any person or persons, whether manufacturer, vender or dealer, shall sell, or attempt to sell, to any person in this State, any illuminating oils, whether manufactured in

Bond of
inspector,
sureties, etc.

Where filed.

Deputies to
subscribe oath
and file bond.

Bond, how
approved,
where filed.

County clerk's
certificate filed
with state
inspector.

Fees for
inspection.

Proviso.

To keep record
of oil inspected.

Deputy
inspectors to
file duplicate
copies.

State inspector
to make annual
report to
governor.

Oils to be
inspected at
refinery.

Penalty for violation of act. **this State or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor and he shall be subject to a fine in any sum not exceeding three hundred dollars; and if any manufacturer, vender or dealer, in either or any of said illuminating oils, shall falsely brand the package, cask or barrel containing the same as provided in sections one and two of this act, or shall use packages, casks or barrels having the inspector's brand thereon, without having the oils inspected, he shall be deemed guilty of a misdemeanor, and shall be subject to a fine in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.**

Idem.

Inspection brand to be defaced. **SEC. 4. No person selling or dealing in illuminating or heating oils produced from petroleum, shall sell or dispose of any empty kerosene barrel, cask or package, before thoroughly canceling, removing or effacing the inspection brand on the same, and no person shall knowingly use any illuminating oil or product of petroleum for illuminating purposes before the same has been inspected and approved by the State Inspector of Oils or his deputy. Any person violating any of the provisions of this section shall be punished by a fine not exceeding ten dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.**

Penalty for violation of section.

Compensation of inspector and deputy. **SEC. 5. The State Inspector shall receive an annual salary of fifteen hundred dollars. He shall also be allowed such further sum as he may actually and necessarily expend in traveling expenses and prosecutions incurred in the discharge of his duties. Each deputy inspector shall be entitled to a salary, payable monthly, the amount of each salary to be determined by the number of barrels containing not less than fifty gallons actually inspected by such deputy inspector during the month as follows: For each of the first ten, one dollar each; for each of the second ten, seventy-five cents each; for each of the third ten, sixty cents each; for each of the fourth ten, fifty cents each; for each of the fifth ten, forty cents; for each of the sixth ten, thirty cents; for each of the seventh ten, twenty-five cents; for each of the eighth ten, twenty cents; for each of the ninth ten, fifteen cents; for each of the tenth, ten, ten cents; for each of the second hundred, eight cents; for each of the third hundred, six cents; for each in excess of three hundred, five cents: *Provided*, That in no case shall any deputy inspector receive more than seventy-five dollars in any month as such salary. Said deputy inspector shall also be entitled to and allowed all actual and necessary expenses for hotel, railroad, stage and steamboat fares incurred in the discharge of his duties as such deputy inspector. All salaries and expenses provided for in this act shall be retained by the State Inspector out of the moneys received for inspection of**

Proviso as to salary of deputy.

Salaries, how paid.

oil, and accounted for and paid out by him as provided in this act: *Provided*, That in case the amount of money received for the inspection of oils, according to the provisions of this act, shall not be sufficient to pay the compensation and expenses of the Inspector and his deputies, as provided herein, the amount of such deficiency shall be allowed by the Board of State Auditors and paid out of the general fund of the State treasury. Proviso.

SEC. 6. The State Inspector shall render to the Board of State Auditors quarterly, a detailed account of all the receipts and disbursements of his office to be audited and allowed by them if found correct; and at the end of the year, any surplus shall be paid into the State treasury. Inspector to make quarterly statement.

SEC. 7. It shall be the duty of the State Inspector, or any deputy inspector, who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending, and in case the State Inspector or deputy inspector, having knowledge of the violation of the provisions of this act, shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor. Duty of inspectors as to violations of act.

SEC. 8. It shall be the duty of all prosecuting attorneys to represent and prosecute in behalf of the people, within their respective counties, all cases of offenses arising under the provisions of this act. Who to prosecute offenses.

SEC. 9. No Inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of any of the provisions of this act he shall be liable to a penalty not to exceed three hundred dollars. Inspectors not to be interested in sale of oils.
Penalty.

SEC. 10. It shall be the duty of the Governor to remove from office, and to appoint a competent person in the place of any inspector who is unfaithful to the duties of his office. Duty of governor as to removal and appointment.

SEC. 11. Act number one hundred twenty-seven, laws of eighteen hundred seventy-nine, as amended by act number forty-nine of the laws of eighteen hundred eighty-one, act number twenty of the laws of eighteen hundred eighty-three, act number seventy-one of the laws of eighteen hundred ninety-one, and act number ninety-four of the laws of eighteen hundred ninety-three, are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 27.]

AN ACT to repeal act number one hundred ninety-eight of the public acts of eighteen hundred ninety-seven, entitled "An act to create a Board of Commissioners for the purpose of securing for use in certain of the Common or Primary Schools of the State of Michigan a uniform series of text-books, to fix the maximum price to be charged for said books, and to make an appropriation for carrying out the provisions of this act."

The People of the State of Michigan enact:

Act repealed.

SECTION 1. That act number one hundred ninety-eight of the public acts of eighteen hundred ninety-seven, entitled "An act to create a board of commissioners for the purpose of securing for use in certain of the common or primary schools of the State of Michigan a uniform series of text-books, to fix the maximum price to be charged for said books and to make an appropriation for carrying out the provisions of this act," be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 28.]

AN ACT to amend section one, chapter one of act sixteen of the laws of eighteen hundred sixty-two, being an act for the reorganization of the Military Forces of the State of Michigan, compiler's section eight hundred sixty-eight of Howell's Annotated Statutes, approved January eighteen, eighteen hundred sixty-two.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section one, chapter one of act sixteen of the laws of eighteen hundred sixty-two, being an act for the reorganization of the military forces of the State of Michigan, approved January eighteen, eighteen hundred sixty-two, compiler's section eight hundred sixty-eight of Howell's Annotated Statutes, be and the same is hereby amended to read as follows:

CHAPTER I.

ORGANIZATION.

The People of the State of Michigan enact:

SECTION 1. That all able-bodied male citizens, between the ages of eighteen and forty-five years, and not exempted by the laws of the United States or of this State, shall be subject to military duty. The enrolled militia shall not be subject to active military duty, except in case of war, rebellion, invasion, the prevention of invasion, the suppression of riots, tumults and breaches of the peace, and to aid civil officers in the execution of the laws, and the service of process; in which case they may be ordered out for actual service by draft or otherwise, or so many of them as the necessity demands. In addition to the persons exempted by the laws of the United States, the following persons shall be exempt from military duty: First, Ministers of the gospel; second, judges of the supreme, circuit, district and probate courts; third, the members and officers of the Legislature; fourth, all officers and guards of the State prison; fifth, all commissioned officers of the militia of this State who have served as such fully uniformed and equipped, according to law and regulation, for the term of six years; but no officer shall be so exempt, unless, by his resignation after such term of service, duly accepted, or in some other lawful manner he shall have been honorably discharged; sixth, all State and county officers (except notaries public) and all teachers engaged in public institutions and public schools.

Persons subject
to military
duty.

When subject
to active duty.

Persons exempt
from military
duty.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 29.]

AN ACT to authorize the formation of corporations for intellectual, scientific, aesthetic, spiritual, liberal culture or enquiry, and to repeal an act entitled "An act to authorize the formation of associations for intellectual, scientific, aesthetic, spiritual, religious or liberal culture or enquiry," approved May twentieth, eighteen hundred seventy-nine, being chapter one hundred forty-seven of Howell's Annotated Statutes.

The People of the State of Michigan enact:

SECTION 1. Any number of persons of full age, not less than five, who may, by articles of agreement, associate them-

Number who
may incorpo-
rate.

Body corpo-
rate.

Articles; how
signed; what
to state.

selves together according to the provisions of this act, under the name assumed by them, for intellectual, scientific, aesthetic, spiritual, liberal culture or enquiry, or any or all such purposes, and who shall comply with the provisions of this act, shall, with their successors, constitute a body politic and corporate in fact and in name, under the name assumed by them in their articles of association.

SEC. 2. The articles of association of every such corporation shall be signed by the persons associating, and acknowledged before some person authorized by the laws of this State to take the acknowledgements of deeds, and shall state:

First, The name of such corporation and place where its office for the transaction of business is located, which must be some place within the State, and the period for which it is incorporated, not exceeding thirty years;

Second, The names and places of residence of the parties associating;

Third, The objects for which the corporation is formed, which shall be limited to the purposes stated in section one of this act;

Fourth, Whether it is a county, city or other local association.

Representative
associations;
how may be
composed.

SEC. 3. State corporations and corporations composed of three or more associations of the same county or two or more adjoining counties, under this act may be representative associations and may be composed of members of county, city or other local associations, under such conditions as to representations of such local association as may be prescribed by the articles of association of such State association.

Articles of
association,
where filed.

SEC. 4. Before any corporation formed under this act shall commence business the persons so associating shall cause their articles of association to be filed in the office of the Secretary of State of this State, and in the office of the county clerk of the county in which the business of the corporation is transacted, and a copy of such articles, certified by either of such officers, shall be presumptive evidence of the facts therein stated and of the incorporation of such association.

Evidence of
incorporation.

Powers and
liabilities.

SEC. 5. All corporations organized under the provisions of this act shall have all the powers and shall be subject to all the liabilities usual to corporations, and may make from time to time such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the members may determine, and may take by gift, purchase, devise, or otherwise, and may hold property, real and personal, to an amount not exceeding one hundred thousand dollars.

Affairs; how
managed.

SEC. 6. The affairs of such corporation shall be managed by not less than five nor more than seven directors, to be chosen annually in such manner as the by-laws of such corporation shall provide, who shall hold their offices until their successors are elected.

SEC. 7. The directors of such corporation shall elect from their number a president, vice-president, secretary and treasurer, and such other officers as its articles of association may require, who shall hold their offices one year and until their successors are elected. The directors of such corporation may fill any vacancy that may occur in their number for the unexpired portion of the time for which he was chosen.

Directors to elect officers; term of office, etc.

SEC. 8. The directors of such corporation shall be elected at the annual meeting of such corporation, and in case of failure to elect at the annual meeting, then at a special meeting called for that purpose. Such annual meeting and all special meetings shall be called at such times and held in such places as the by-laws of such corporation shall provide.

Election of directors; when to be.

SEC. 9. An act entitled "An act to authorize the formation of associations for intellectual, scientific, aesthetic, spiritual, religious or liberal culture or enquiry," approved May twentieth, eighteen hundred seventy-nine, being chapter one hundred forty-seven of Howell's Annotated Statutes, is hereby repealed: *Provided*, That the provisions of this act shall not impair the rights of any association incorporated under the act hereby repealed.

Act repealed.

Proviso.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 30.]

AN ACT to amend section one of act number two hundred thirty of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purpose of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith."

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred thirty of the public acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith," be and the same is hereby amended so as to read as follows, to wit: Section 1. The People of the State of Michigan enact, That any number of persons, not less than five, desiring to form a corporation for the purpose of owning, maintaining and improving lands and other prop-

Section amended.

Number of persons who may form corporation.

erty for the purposes of a summer resort or a park for ornament, recreation or amusement, in any city, village or township of this State, or of any adjoining state, may, by articles or agreement in writing, under their hands and seals, associate for such purpose under the name to be assumed by them in their articles of association: *Provided*, That no two corporations shall assume the same name.

Proviso.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 31.]

AN ACT to amend section sixty-six of act numbered two hundred and six of the Public Acts of eighteen hundred ninety-three, entitled "An act to provide for the Assessment of Property and the levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter levied, making such taxes a lien on the Lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of Lands bid off to the State and not redeemed or purchased, and to repeal act numbered two hundred of the Public Acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, as amended by act numbered one hundred sixty-two of the Public Acts of eighteen hundred ninety-five, approved May eighteenth, eighteen hundred ninety-five, being section thirty-eight hundred eighty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section sixty-six of act numbered two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased, and to repeal act numbered two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, as amended by act numbered one hundred sixty-two of the public acts of eighteen hundred ninety-five, being section thirty-eight hundred eighty-nine, of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 66. The Auditor General shall cause a copy of said order and a copy of said petition to be published at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof, in some newspaper published and circulating in the county where such petition is filed to be selected by the Auditor General. Said order and petition shall both be published in the same newspaper, the order immediately preceding the petition: *Provided*, In such petition it shall be sufficient to print against each parcel the "amount of taxes," "interest," "charges," "total" due on each. The cost of such publication shall be paid by the State on the warrant of the Auditor General. The proprietor of such paper shall furnish the proper county treasurer and Auditor General each with two copies of each issue containing such publication, and it shall be the duty of such Auditor General and treasurer to carefully examine the notices published and see that they are correct. Any person familiar with the facts may make an affidavit as to the publication required. The Auditor General shall not pay for any such publication until satisfied that it has been made according to law. The publication of the order and petition aforesaid shall be equivalent to a personal service of notice on all persons who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon and on the sale of the lands under the decree, and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of all taxes, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such petition, even though the amount involved therein be less than one hundred dollars. It shall be the duty of the prosecuting attorney to prosecute all such proceedings on the part of the State. If he shall refuse, neglect or be unable to do so, the court shall appoint some competent person to take charge of and prosecute the same, who shall be paid by the county. The board of supervisors may employ some competent person to prosecute such proceedings or assist therein. Proof of the publication of the order and petition herein required shall be filed in the office of the county clerk before any final order is made. Any person against whom a decree has not been taken desiring to contest the validity of any tax shall file in writing his objections thereto with the clerk of the county on or before the day fixed in said notice for the hearing of such petition, and serve a copy thereof on the prosecuting attorney of the county in which said lands are advertised for sale, at least ten days prior to the day fixed in said notice for the hearing thereof, and shall not be allowed to make any objections not therein specified. If on the [day fixed in such notice] for the hearing of such petition or on the day following that day, it shall be made to appear to the court that any person has been prevented from filing his objections to any tax without

Publication on order and petition.

Provision as to amount of taxes due on each parcel.

Copies of publication.

Publication equivalent to personal notice.

Jurisdiction of circuit court.

Prosecuting attorney to prosecute.

Filing proof of publication.

Contesting taxes.

any fault on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days. The court shall give precedence to the hearing of such petition over all other business, shall examine, consider and determine the matters therein stated and objections made in a summary manner without other pleadings, and make final decreethereon as the right of the case may be. The taxes specified in the petition shall be presumed to be legal and a decree be made therefor unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings, and shall decide all questions as to the admissibility of evidence and the decisions so made shall be final, and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, interest and charges. If any tax shall be found illegal, such part shall be set aside and the remaining tax shall be decreed valid. The total amount of taxes, interest and charges, as fixed by the court shall be entered by the register of the court opposite each parcel of land in the column of said record under the heading, "Amount decreed against lands." If the court shall make any order setting aside the taxes on any parcel of land, or any part thereof, or any special order relating to any particular parcel of land, or taxes thereon, a brief entry of such order shall be made upon said record opposite such land or tax, which shall be signed by the judge of the court, either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of a final decree. At least ten days prior to the time fixed for the sale of such lands, the court shall make a final decree in favor of the State of Michigan for such taxes, interest and charges as shall be valid, and determine the total amount thereof chargeable against each parcel of land, and shall order and decree that such several parcels of land or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such decree shall be considered as a several decree in favor of the State of Michigan against each parcel of land for each tax included therein. The court may decree such costs against a person contesting any tax as may be equitable, if the tax, or any part thereof, which remains unpaid, be adjudged valid.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 32.]

AN ACT to amend section fourteen of act two hundred six of the public acts of eighteen hundred ninety-three, as amended, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening the provisions of this act," approved June one, eighteen hundred ninety-three, being section thirty-eight hundred thirty-seven of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section fourteen of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June one, eighteen hundred ninety-three, being section thirty-eight hundred thirty-seven of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 14. (3837) The excepted cases referred to in the preceding section are as follows, viz.:

1. All goods and chattels situate in some township other than where the owner resides shall be assessed in the township where situate, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dock-yard, piling ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein, for use in connection with such goods and chattels: *Provided*, That the procuring any such property to be manufactured upon contract shall be deemed the hiring a mill or manufactory within the meaning of this section. Non-residents, property. Provided.

2. All animals kept throughout the year in some township other than where the owner resides shall be assessed to such Animals.

owner, or the person in possession, in the township where kept.

Bank shares.

3. All shares in banks shall be assessed to their owners in the township, village or city where the bank is located: *Provided*, That the shares owned by a person residing in the county where the bank is located shall be assessed in the township or city where he resides.

Proviso.

Property of minors, etc.

4. The personal property of minors under guardianship shall be assessed to the guardian in the township where he resides, and the personal property of every other person under guardianship shall be assessed to the guardian in the township where the ward resides.

Estates of deceased persons.

5. The personal property belonging to the estates of deceased persons, in the hands of executors or administrators, shall be assessed to them in the township and in the school district where the deceased last dwelt, until they shall give notice that the estate has been distributed to the parties interested. If such deceased was a non-resident of the State such property shall be assessed in the township where situated, to such executors or administrators, or to the person in possession.

Personal property, how assessed.
Exception.

6. Personal property under the control of a trustee or agent, whether a corporation or a natural person, may be assessed to such trustee or agent in the township where he resides, except as otherwise provided. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof and may be assessed to him.

Property on public lands.

7. All personal property of any person situated upon, also all buildings situated and being upon, the lands of the United States, or of this State, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property, to the owner or occupant thereof, in the city, village or township in which such lands are situated, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: *Provided, however*, It shall not be necessary to remove any such buildings for the purpose of sale.

Proviso.

Non-residents forest products.

8. Personal property of non-residents of the State, and all forest products owned by residents or non-residents, or estates of deceased persons, shall be assessed in the township or ward where the same may be, to the person having control of the premises, store, mill, dock, yard, piling ground, place of storage, or warehouse where such property is situated in such township, on the second Monday of April of the year when the assessment is made, except that where such property is in transit to some place within the State it shall be assessed in such place, except that where such property is in transit to some place without the State it shall be assessed at the place in this State nearest to the last boom or sorting gap of the stream in or bordering on this State in which said property will naturally be last floated during the transit thereof, and

Exception as to property in transit.

in case the transit of any such property is to be other than through any water course in or bordering on this State, then such assessment shall be made at the point where such property will naturally leave the State in the ordinary course of its transit; and such property so in transit to any place without the State shall be assessed to the owner or the person, persons or corporation in possession or control thereof, and in case such transit will pass said logs through the booms or sorting gaps, or into the places of storage of any person, persons or corporation operating upon any such stream, then such property may be assessed to such person, persons or corporation; and the person, persons or corporations so assessed for any such property belonging to a non-resident of this State shall be entitled to recover from the owner of such property, by a suit in attachment, garnishment or for money had and received, any amount which the person, persons or corporation so assessed is compelled to pay because of such assessment, and shall have a lien upon said property as security against loss or damage because of being so assessed for the property of another, and may retain possession of such property until such lien is satisfied: *Provided, further,* That any owner or person interested in said property may secure the release of the same from such lien by giving to the person, persons or corporations so assessed a bond in an amount double the probable tax to be assessed thereon, but not less than the sum of two hundred dollars, with two sufficient sureties, conditioned for the payment of such tax by said owner or person interested, and the saving of the person, persons or corporation assessed from payment thereof, and from costs, damages and expense on account of his non-payment, which bond as to amount and sufficiency of sureties shall be approved by the county clerk of the county in which the assessment is made.

Persons and corporations may recover.

Further proviso.

This act is ordered to take immediate effect.

Approved April 8, 1899.

[No. 33.]

AN ACT to fix the salary of the chief of the Corporation Division of the Department of State.

The People of the State of Michigan enact:

SECTION 1. That from and after the first day of January, one thousand eight hundred and ninety-nine the chief of the corporation division of the department of State shall receive an annual salary at the rate of fifteen hundred dollars, payable monthly or quarter yearly: *Provided,* He shall not,

Salary of chief of corporation division.

Proviso.

selves together according to the provisions of this act, under the name assumed by them, for intellectual, scientific, aesthetic, spiritual, liberal culture or enquiry, or any or all such purposes, and who shall comply with the provisions of this act, shall, with their successors, constitute a body politic and corporate in fact and in name, under the name assumed by them in their articles of association.

Body corporate.

Articles; how signed; what to state.

SEC. 2. The articles of association of every such corporation shall be signed by the persons associating, and acknowledged before some person authorized by the laws of this State to take the acknowledgements of deeds, and shall state:

First, The name of such corporation and place where its office for the transaction of business is located, which must be some place within the State, and the period for which it is incorporated, not exceeding thirty years;

Second, The names and places of residence of the parties associating;

Third, The objects for which the corporation is formed, which shall be limited to the purposes stated in section one of this act;

Fourth, Whether it is a county, city or other local association.

Representative associations; how may be composed.

SEC. 3. State corporations and corporations composed of three or more associations of the same county or two or more adjoining counties, under this act may be representative associations and may be composed of members of county, city or other local associations, under such conditions as to representations of such local association as may be prescribed by the articles of association of such State association.

Articles of association, where filed.

SEC. 4. Before any corporation formed under this act shall commence business the persons so associating shall cause their articles of association to be filed in the office of the Secretary of State of this State, and in the office of the county clerk of the county in which the business of the corporation is transacted, and a copy of such articles, certified by either of such officers, shall be presumptive evidence of the facts therein stated and of the incorporation of such association.

Evidence of incorporation.

Powers and liabilities.

SEC. 5. All corporations organized under the provisions of this act shall have all the powers and shall be subject to all the liabilities usual to corporations, and may make from time to time such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the members may determine, and may take by gift, purchase, devise, or otherwise, and may hold property, real and personal, to an amount not exceeding one hundred thousand dollars.

Affairs; how managed.

SEC. 6. The affairs of such corporation shall be managed by not less than five nor more than seven directors, to be chosen annually in such manner as the by-laws of such corporation shall provide, who shall hold their offices until their successors are elected.

SEC. 7. The directors of such corporation shall elect from their number a president, vice-president, secretary and treasurer, and such other officers as its articles of association may require, who shall hold their offices one year and until their successors are elected. The directors of such corporation may fill any vacancy that may occur in their number for the unexpired portion of the time for which he was chosen.

Directors to elect officers; term of office, etc.

SEC. 8. The directors of such corporation shall be elected at the annual meeting of such corporation, and in case of failure to elect at the annual meeting, then at a special meeting called for that purpose. Such annual meeting and all special meetings shall be called at such times and held in such places as the by-laws of such corporation shall provide.

Election of directors; when to be.

SEC. 9. An act entitled "An act to authorize the formation of associations for intellectual, scientific, aesthetic, spiritual, religious or liberal culture or enquiry," approved May twentieth, eighteen hundred seventy-nine, being chapter one hundred forty-seven of Howell's Annotated Statutes, is hereby repealed: *Provided*, That the provisions of this act shall not impair the rights of any association incorporated under the act hereby repealed.

Act repealed.

Proviso.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 30.]

AN ACT to amend section one of act number two hundred thirty of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purpose of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith."

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred thirty of the public acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith," be and the same is hereby amended so as to read as follows, to wit: Section 1. The People of the State of Michigan enact, That any number of persons, not less than five, desiring to form a corporation for the purpose of owning, maintaining and improving lands and other prop-

Section amended.

Number of persons who may form corporation.

Proviso.

erty for the purposes of a summer resort or a park for ornament, recreation or amusement, in any city, village or township of this State, or of any adjoining state, may, by articles or agreement in writing, under their hands and seals, associate for such purpose under the name to be assumed by them in their articles of association: *Provided*, That no two corporations shall assume the same name.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 31.]

AN ACT to amend section sixty-six of act numbered two hundred and six of the Public Acts of eighteen hundred ninety-three, entitled "An act to provide for the Assessment of Property and the levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter levied, making such taxes a lien on the Lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of Lands bid off to the State and not redeemed or purchased, and to repeal act numbered two hundred of the Public Acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, as amended by act numbered one hundred sixty-two of the Public Acts of eighteen hundred ninety-five, approved May eighteenth, eighteen hundred ninety-five, being section thirty-eight hundred eighty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section sixty-six of act numbered two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased, and to repeal act numbered two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, as amended by act numbered one hundred sixty-two of the public acts of eighteen hundred ninety-five, being section thirty-eight hundred eighty-nine, of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 66. The Auditor General shall cause a copy of said order and a copy of said petition to be published at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof, in some newspaper published and circulating in the county where such petition is filed to be selected by the Auditor General. Said order and petition shall both be published in the same newspaper, the order immediately preceding the petition: *Provided*, In such petition it shall be sufficient to print against each parcel the "amount of taxes," "interest," "charges," "total" due on each. The cost of such publication shall be paid by the State on the warrant of the Auditor General. The proprietor of such paper shall furnish the proper county treasurer and Auditor General each with two copies of each issue containing such publication, and it shall be the duty of such Auditor General and treasurer to carefully examine the notices published and see that they are correct. Any person familiar with the facts may make an affidavit as to the publication required. The Auditor General shall not pay for any such publication until satisfied that it has been made according to law. The publication of the order and petition aforesaid shall be equivalent to a personal service of notice on all persons who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon and on the sale of the lands under the decree, and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of all taxes, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such petition, even though the amount involved therein be less than one hundred dollars. It shall be the duty of the prosecuting attorney to prosecute all such proceedings on the part of the State. If he shall refuse, neglect or be unable to do so, the court shall appoint some competent person to take charge of and prosecute the same, who shall be paid by the county. The board of supervisors may employ some competent person to prosecute such proceedings or assist therein. Proof of the publication of the order and petition herein required shall be filed in the office of the county clerk before any final order is made. Any person against whom a decree has not been taken desiring to contest the validity of any tax shall file in writing his objections thereto with the clerk of the county on or before the day fixed in said notice for the hearing of such petition, and serve a copy thereof on the prosecuting attorney of the county in which said lands are advertised for sale, at least ten days prior to the day fixed in said notice for the hearing thereof, and shall not be allowed to make any objections not therein specified. If on the [day fixed in such notice] for the hearing of such petition or on the day following that day, it shall be made to appear to the court that any person has been prevented from filing his objections to any tax without

Publication on order and petition.

Provision as to amount of taxes due on each parcel.

Copies of publication.

Publication equivalent to personal notice.

Jurisdiction of circuit court.

Prosecuting attorney to prosecute.

Filing proof of publication.

Contesting taxes.

any fault on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days. The court shall give precedence to the hearing of such petition over all other business, shall examine, consider and determine the matters therein stated and objections made in a summary manner without other pleadings, and make final decree thereon as the right of the case may be. The taxes specified in the petition shall be presumed to be legal and a decree be made therefor unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings, and shall decide all questions as to the admissibility of evidence and the decisions so made shall be final, and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, interest and charges. If any tax shall be found illegal, such part shall be set aside and the remaining tax shall be decreed valid. The total amount of taxes, interest and charges, as fixed by the court shall be entered by the register of the court opposite each parcel of land in the column of said record under the heading, "Amount decreed against lands." If the court shall make any order setting aside the taxes on any parcel of land, or any part thereof, or any special order relating to any particular parcel of land, or taxes thereon, a brief entry of such order shall be made upon said record opposite such land or tax, which shall be signed by the judge of the court, either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of a final decree. At least ten days prior to the time fixed for the sale of such lands, the court shall make a final decree in favor of the State of Michigan for such taxes, interest and charges as shall be valid, and determine the total amount thereof chargeable against each parcel of land, and shall order and decree that such several parcels of land or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such decree shall be considered as a several decree in favor of the State of Michigan against each parcel of land for each tax included therein. The court may decree such costs against a person contesting any tax as may be equitable, if the tax, or any part thereof, which remains unpaid, be adjudged valid.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 32.]

AN ACT to amend section fourteen of act two hundred six of the public acts of eighteen hundred ninety-three, as amended, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening the provisions of this act," approved June one, eighteen hundred ninety-three, being section thirty-eight hundred thirty-seven of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section fourteen of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June one, eighteen hundred ninety-three, being section thirty-eight hundred thirty-seven of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 14. (3837) The excepted cases referred to in the preceding section are as follows, viz.:

1. All goods and chattels situate in some township other than where the owner resides shall be assessed in the township where situate, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein, for use in connection with such goods and chattels: *Provided*, That the procuring any such property to be manufactured upon contract shall be deemed the hiring a mill or manufactory within the meaning of this section. Non-residents, property.

2. All animals kept throughout the year in some township other than where the owner resides shall be assessed to such Animals.

owner, or the person in possession, in the township where kept.

Bank shares.

3. All shares in banks shall be assessed to their owners in the township, village or city where the bank is located: *Provided*, That the shares owned by a person residing in the county where the bank is located shall be assessed in the township or city where he resides.

Proviso.

Property of minors, etc.

4. The personal property of minors under guardianship shall be assessed to the guardian in the township where he resides, and the personal property of every other person under guardianship shall be assessed to the guardian in the township where the ward resides.

Estates of deceased persons.

5. The personal property belonging to the estates of deceased persons, in the hands of executors or administrators, shall be assessed to them in the township and in the school district where the deceased last dwelt, until they shall give notice that the estate has been distributed to the parties interested. If such deceased was a non-resident of the State such property shall be assessed in the township where situated, to such executors or administrators, or to the person in possession.

Personal property, how assessed.
Exception.

6. Personal property under the control of a trustee or agent, whether a corporation or a natural person, may be assessed to such trustee or agent in the township where he resides, except as otherwise provided. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof and may be assessed to him.

Property on public lands.

7. All personal property of any person situated upon, also all buildings situated and being upon, the lands of the United States, or of this State, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property, to the owner or occupant thereof, in the city, village or township in which such lands are situated, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: *Provided, however*, It shall not be necessary to remove any such buildings for the purpose of sale.

Proviso.

Non-residents forest products.

8. Personal property of non-residents of the State, and all forest products owned by residents or non-residents, or estates of deceased persons, shall be assessed in the township or ward where the same may be, to the person having control of the premises, store, mill, dock, yard, piling ground, place of storage, or warehouse where such property is situated in such township, on the second Monday of April of the year when the assessment is made, except that where such property is in transit to some place within the State it shall be assessed in such place, except that where such property is in transit to some place without the State it shall be assessed at the place in this State nearest to the last boom or sorting gap of the stream in or bordering on this State in which said property will naturally be last floated during the transit thereof, and

Exception as to property in transit.

in case the transit of any such property is to be other than through any water course in or bordering on this State, then such assessment shall be made at the point where such property will naturally leave the State in the ordinary course of its transit; and such property so in transit to any place without the State shall be assessed to the owner or the person, persons or corporation in possession or control thereof, and in case such transit will pass said logs through the booms or sorting gaps, or into the places of storage of any person, persons or corporation operating upon any such stream, then such property may be assessed to such person, persons or corporation; and the person, persons or corporations so assessed for any such property belonging to a non-resident of this State shall be entitled to recover from the owner of such property, by a suit in attachment, garnishment or for money had and received, any amount which the person, persons or corporation so assessed is compelled to pay because of such assessment, and shall have a lien upon said property as security against loss or damage because of being so assessed for the property of another, and may retain possession of such property until such lien is satisfied: *Provided, further,* That any owner or person interested in said property may secure the release of the same from such lien by giving to the person, persons or corporations so assessed a bond in an amount double the probable tax to be assessed thereon, but not less than the sum of two hundred dollars, with two sufficient sureties, conditioned for the payment of such tax by said owner or person interested, and the saving of the person, persons or corporation assessed from payment thereof, and from costs, damages and expense on account of his non-payment, which bond as to amount and sufficiency of sureties shall be approved by the county clerk of the county in which the assessment is made.

Persons and
corporations
may recover.

Further
proviso.

This act is ordered to take immediate effect.

Approved April 8, 1899.

[No. 33.]

AN ACT to fix the salary of the chief of the Corporation Division of the Department of State.

The People of the State of Michigan enact:

SECTION 1. That from and after the first day of January, one thousand eight hundred and ninety-nine the chief of the corporation division of the department of State shall receive an annual salary at the rate of fifteen hundred dollars, payable monthly or quarter yearly: *Provided,* He shall not,

Salary of chief
of corporation
division.

Proviso.

directly or indirectly, receive any fees or perquisites whatever for the performance of duties connected with said office.

This act is ordered to take immediate effect.

Approved April 11, 1899.

[No. 34.]

AN ACT to make the breaking and entering, or entering without breaking, any barn, granary or other outbuilding, in the night time, with intent to commit the crime of murder, rape, robbery or any other felony or larceny, a felony, and to provide a penalty therefor.

The People of the State of Michigan enact:

Penalty for
entering build-
ing to commit
crime.

SECTION 1. Every person who shall break and enter, or enter without breaking, any barn, granary or other outbuilding, in the night time, with intent to commit the crime of murder, rape, robbery or any other felony or larceny, shall, upon conviction, be punished by imprisonment in the State Prison for not more than five years, or by fine not to exceed one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved April 11, 1899.

[No. 35.]

AN ACT to provide for the incorporation of associations to promote the business of growing, handling, storing and selling fruit and other farm products.

The People of the State of Michigan enact:

Number who
may organise.

SECTION 1. That any number of persons, residents of this State, not less than thirty, may associate themselves together and become a body corporate for the purpose of promoting their interests as fruit growers and farmers handling, storing and selling fruit and farm produce owned by members of said association and for the protection of their joint and individual rights and for such other and such further object of material benefit and protection as are germane to the purposes of this act. The persons so associated shall execute articles of association in triplicate and sign and acknowledge the same

To execute
articles of asso-
ciation in tripli-
cate.

before some officer authorized by the laws of the State of Michigan to take acknowledgments of deeds and file one of said copies with the Secretary of State of the State of Michigan and one with the county clerk of the county or counties in which said association is doing business and retain one copy thereof; and, upon such execution, acknowledgment and filing the said articles of association, said association shall become a body corporate for the purposes mentioned therein: *Provided*, No two corporations shall assume the same name.

How acknowledged where filed.

Proviso.

SEC. 2. The capital stock of such corporation shall be fixed and limited by their articles of association, and must be at least ten thousand dollars, and not to exceed fifty thousand dollars, and the capital stock may be increased or decreased by a two-thirds vote of the stockholders at any regular or special meeting called for such purpose. At least five per cent of said capital stock shall be paid in cash, and an affidavit to that effect shall be filed with the articles of association. Each and every stockholder shall be personally liable for the debts of the corporation for the amount of the shares of stock by him held, which shares shall be of the par value of ten dollars.

Capital stock. Amount of.

How increased or diminished.

Liability of stockholders.

SEC. 3. The articles of association shall state:

What articles of association to state.

(1) The names of persons associated in the first instance as members with their places of residence;

(2) The purposes of the association, conforming with the provisions of this act;

(3) The corporate name and the period of incorporation not to exceed thirty years;

(4) The terms, conditions and qualifications of membership in the corporation;

(5) The officers and committees created, the names of officers and members of committees first selected, the term of such offices and members and the time of holding an annual meeting.

SEC. 4. Every association incorporated under this act shall make and adopt all needful by-laws for its government and enforce the same by penalties and forfeitures and may thereby establish a uniform system of dues, assessments or benefits to be levied upon the members, prescribe the duties of officers, require bonds of the same for the faithful discharge of their duties. Such by-laws shall prescribe the qualifications of members, the manner in which they shall be admitted, suspended or expelled, the manner of electing and removing officers, their official duties, the time and manner of calling and holding meetings, the manner and condition in which personal property and real estate may be acquired, held and disposed of and such other by-laws as may be deemed necessary for the management of the affairs of said association.

By-laws.

What shall prescribe.

SEC. 5. The officers of the association shall consist of a president, secretary, treasurer and a board of trustees, composed of not less than five members of the association. The president and secretary shall be ex-officio members of such

Duties of officers and trustees.

board of trustees. Said board of trustees shall elect a manager and such other officers as are necessary to properly carry on and manage the business of the association.

Who to have
general
management.

SEC. 6. The board of trustees shall be the executive board of said association and shall be charged with the general management of its affairs. A majority of said board of trustees shall constitute a quorum for the transaction of business.

Money and
property.
How recovered.

SEC. 7. All moneys, properties or rights in action equitably belonging to the association at the time the same shall become a body corporate under the provisions of this act shall vest in the association so formed and may be recovered by such association in any manner provided by law, from any person unlawfully withholding the same.

Legal process.
Upon whom
served.

SEC. 8. Service of any legal process against any such association may be made on the president, treasurer, secretary or any member of the board of trustees of said association.

How may
extend
corporate
existence.

SEC. 9. Any association organized under the provisions of this act whose corporate existence is about to expire by limitation, may, at any time prior to such expiration, extend its corporate existence for a term not exceeding thirty years, by filing with the Secretary of State and the county clerk of the county where such association is located, duly attested copies of a resolution adopted by such corporation at a meeting called in accordance with the provisions of its by-laws, expressing a desire to so extend its corporate existence, and upon the filing of such resolution, as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term of not exceeding thirty years from the date of the expiration of its former term and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

Rights of
property
to remain
unimpaired.

Prima facie
evidence of
corporate
existence.

SEC. 10. A copy of the records of such articles of association under the seal of the Secretary of State, duly certified according to law, shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such association.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 36.]

AN ACT to repeal act two hundred eighty-five, laws of eighteen hundred ninety-seven, entitled "An act to provide for the lawful taking of German Carp from the Waters of Black River Lake, also known as Macatawa Bay, in Ottawa County, and from the streams tributary thereto."

The People of the State of Michigan enact:

SECTION 1. That "An act to provide for the lawful taking of German carp from the waters of Black River lake, also known as Macatawa bay, in Ottawa county, and from the streams tributary thereto," be and hereby is repealed.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 37.]

AN ACT to provide for the salary of the State Game and Fish Warden, and for the appointment of a Chief Deputy Game and Fish Warden, and to prescribe his powers and duties.

The People of the State of Michigan enact:

SECTION 1. The State Game and Fish Warden shall receive an annual salary of two thousand dollars, payable monthly, and shall also be reimbursed his actual expenses necessarily incurred in the performance of his duties, to be paid monthly on the warrant of the Auditor General on the approval of his vouchers therefor. Said State Game and Fish Warden shall devote his entire time to the duties of his office.

Salary and
expense how
paid.

SEC. 2. Said Game and Fish Warden shall have power to appoint a Chief Deputy, for whose acts he shall be responsible, and may revoke such appointment at pleasure. Said Chief Deputy shall take the constitutional oath of office, and shall do such work in the game and fish warden department as shall be assigned him. During the sickness, absence or disability of the Game and Fish Warden he may execute the duties of the office. Said Chief Deputy shall devote his entire time to the work of his office and shall receive an annual salary of fifteen hundred dollars, and his actual expenses necessarily incurred, to be paid monthly on the warrant of the Auditor General, on the approval of his vouchers therefor by the State Game and Fish Warden.

May appoint
deputy.

To take oath
of office.

Duties.

Salary and
expenses how
paid.

This act is ordered to take immediate effect.

Approved April 17, 1899.

[No. 38.]

AN ACT to amend sections one and five of act number one hundred and twenty of the public acts of one thousand eight hundred and ninety-three, approved May twenty-fifth, one thousand eight hundred and ninety-three, entitled "An act to amend sections one and five of act number twenty-five of the public acts of one thousand eight hundred and eighty-seven," approved March ninth, one thousand eight hundred and eighty-seven, entitled "An act to provide for three additional Circuit Judges for the third Judicial Circuit," so as to provide one other additional Circuit Judge for the third Judicial Circuit, so as to provide one other additional Circuit Judge for the third Judicial Circuit.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one and five of act number one hundred and twenty of the public acts of one thousand eight hundred and ninety-three, entitled "An act to amend sections one and five of act number twenty-five of the public acts of one thousand eight hundred and eighty-seven, approved March ninth, one thousand eight hundred and eighty-seven, entitled 'An act to provide for three additional circuit judges for the third judicial circuit,' so as to provide one other additional circuit judge for the third judicial circuit," be and the same is hereby amended so as to read as follows:

Additional
judges.

SECTION 1. That from and after the day this act shall take effect, there shall be six circuit judges for the third judicial circuit, in which the city of Detroit is situated. The six judges of said circuit shall have equal and coordinate powers and duties; but when sitting together the concurrence of four shall be sufficient. One of such judges shall constitute a quorum for the transaction of business, and such judges shall have power by an order to be entered upon the court journal in general terms specifying and classifying the business assigned, to apportion among themselves the business to be transacted, as they from time to time may order and direct. They shall, from term to term, designate one of their number to act as presiding judge of the court with power, unless otherwise ordered by the court, to assign and apportion the business as aforesaid among the said judges. In case of absence, illness or inability from other cause of such presiding judge to act, the other judges shall designate, by an order to be entered upon the journal, one of their number to act as presiding judge until the disability is removed.

Quorum.

Presiding
judge.

When office
created, vacant.

SEC. 5. The one additional office of circuit judge of the third judicial circuit hereby created, shall be deemed vacant from and after the taking effect of this act, and shall be filled by appointment by the Governor until the next general election to be held in November, nineteen hundred. The five

judges now in office shall continue in office until the end of the term for which they were elected, and their successors who may be, or shall have been, elected under existing laws, shall take and hold their several offices for the period for which they may be or shall have been elected. Term of office.

This act is ordered to take immediate effect.

Approved April 17, 1899.

[No. 39.]

AN ACT to amend chapter eight of an Act, entitled "An act to provide for the Incorporation of Villages within the State of Michigan and defining their Powers and Duties," approved February nineteen, eighteen hundred ninety-five, by adding a section thereto to stand as Section twenty-two.

The People of the State of Michigan enact:

SECTION 1. That chapter eight of an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, be and the same is hereby amended by adding thereto a new section to read as follows: Chapter amended.

SEC. 22. Special assessment rolls to defray the cost of street paving shall be made in five parts, each part to contain a list of the lots or parcels constituting the special assessment district with the names of the owners or occupants of each lot or parcel, and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts. Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively. If part one is not paid on or before the same shall become due, the whole amount of the assessment against any lot or parcel shall be due and no extension of time shall be granted thereon. Deferred payments shall draw interest at the rate of six per cent per annum, and if any default shall be made in the payment of an installment or of the interest thereon, the whole amount of the assessment then remaining unpaid shall mature and become due and payable, and thereupon the same proceedings shall be had for the collection of the amount still due as are authorized by this act in case the owners or occupants have not elected to pay in installments. The village council shall have power to issue bonds of the village bearing six per cent interest to the amount of the deferred Special assessment rolls how made.

Extension of time for payments.

Interest on deferred payments.

Assessments, when to mature.

Council may issue bonds, interest of.

payments, and pledging the faith and credit of the village for the payment of said bonds out of the deferred payments when collected. Said bonds shall run for one, two, three and four years, and all payments made on the deferred installments shall be paid into and constitute a sinking fund for the payment of said bonds at maturity. Owners and occupants electing to pay by installments shall pay the full amount of the interest on each installment down to the maturity thereof, but may pay the principal and such interest into the village treasury before maturity. Contractors for the laying of street paving may be required to take their pay in street paving bonds, and such bonds shall in no event be sold, or otherwise disposed of, at less than their par value. The village council may issue similar bonds to defray that portion of the cost and expense of any street paving chargeable to street intersections, or to lands belonging to the village, school buildings or other public buildings or grounds, including such portion of said cost or expense as the village council may have decided to pay from the general highway fund or the street district fund.

This act is ordered to take immediate effect.

Approved April 18, 1899.

Time for which issued, how paid.

Amounts of assessments may be paid before maturity.

Contractors to take bonds.

Council may issue bonds for expense, chargeable to public buildings, etc.

[No. 40.]

AN ACT to revise the laws providing for the incorporation of Protestant Episcopal churches.

The People of the State of Michigan enact:

Number who may incorporate.

Incorporators to execute articles of agreement.

Articles what to contain.
Name.
Location.

Who to have charge of affairs.

SECTION 1. It shall be lawful for any six or more persons, professing attachment to the Protestant Episcopal Church, to execute and acknowledge, before any person authorized to take acknowledgments of deeds, one or more duplicate articles of agreement, in writing, whereby they shall agree to organize a church according to the usages of the Protestant Episcopal Church, by the name and style set forth in such articles; and upon the execution and acknowledgment and filing thereof, as herein provided, such church shall become a body politic and corporate, by the name set forth in said articles, in accordance with the constitution, canons, doctrine, discipline and worship of the Protestant Episcopal Church.

SEC. 2. Said articles shall contain:

First, The name of the proposed church;

Second, The township or city and county in which it is located;

Third, The number of vestrymen, not less than six nor more than twelve, who shall have charge of the temporal affairs of

such church, and the time of the annual meeting, which shall be in Easter week; and no church shall be incorporated, in any township or city, bearing the same name as any other Protestant Episcopal church theretofore organized therein.

Annual meeting when held.

SEC. 3. Such articles of agreement, when duly signed and acknowledged, shall be recorded in the office of the Secretary of State and in the office of the county clerk of the county in which such church is located; and it shall not be lawful for such church to acquire the title to any property until such articles are so recorded.

Articles where recorded.

SEC. 4. Any three or more persons who have signed any such articles may call the first meeting of such church, at such time and place as they may see fit, by publishing a notice for ten days previous to the time of such meeting in some newspaper published in the city or township in which such church is located; and if no newspaper is published therein, then such notice may be given by posting the same in three of the most public places in such city or township; and at such meeting the affidavit of such posting or publishing shall be produced and recorded in the minutes: *And it is further provided*, That at such meeting, in addition to the signers of such articles, any other persons who may be authorized by the laws of the church to take part in the incorporation of parishes shall be entitled to vote, who shall sign a declaration in writing, to be kept in the book of minutes, whereby he or she shall signify an intention of becoming attached to said church, and accepting the terms of such articles; vestrymen of the church shall be elected at said meeting or any adjournment thereof.

Who may call first meeting.

Notice how given.

Proviso as to who entitled to vote.

SEC. 5. At all subsequent meetings, the right to vote shall be confined to such persons as shall be authorized by the laws of the church to vote at parish meetings. The annual meeting shall take place at such time in Easter week as shall be fixed in said articles. Public notice shall be given of the time and place of holding such meetings, on the Sunday before Easter and on Easter day, by the rector, and in his absence, by either of the wardens, at the regular service on such days. In case service shall not be held, notice shall be given either by publishing or posting, as the vestry shall direct, written or printed notices thereof, signed by the rector, or, in case there is no rector, by the secretary of the vestry, at least one week prior to such meeting. Special meetings of the parish may be called by the vestry, and a like notice shall be given of any such special meeting as is required for an annual meeting, and the object of such special meeting shall be stated. At the annual meeting, an election of vestrymen shall be held to serve until the next annual meeting, but at such annual meeting it shall be lawful, at the option of said meeting, to classify the vestrymen in three equal classes, as near as may be, one of which classes shall hold their offices for one year, one for two years and one for three years, and at all subsequent meetings vestrymen shall be elected for three years, to fill the places made va-

Who may vote at subsequent meetings.

Annual meeting to be in Easter week.

Notice how given.

Special meetings how called.

Vestrymen how classified term of office.

May discontinue classification.	cant by the class whose term of office shall expire at the time. Any church desiring to discontinue such classification may do so, and thereafter vestrymen shall be elected for one year to fill the places made vacant by the class whose term of office shall expire at the time of election.
Vestrymen to be elected by ballot.	The vestrymen shall be elected by ballot, and shall serve until their successors shall be chosen. The wardens, when present, shall be the judges of the election, and shall permit no person to vote unless qualified as aforesaid; and they shall canvass and declare the result, and a majority of all the votes cast shall be necessary to elect. In case of the absence of the wardens, or either of them, members of the vestry shall be appointed to act as such judges in the place of the absent warden or wardens. The rector, when present, shall preside at all meetings of the parish. A full and complete record of the proceedings of all such meetings shall be kept by the secretary of the vestry.
Who to be judges of election.	
Who to preside.	
Record of proceedings to be kept.	
Wardens, etc., how chosen.	SEC. 6. The vestrymen shall annually choose by ballot from their own body two members, who shall be communicants, to be wardens. They shall also appoint a secretary and a treasurer, who may be members of their own body, and they may employ such other agents and servants as may be required. Meetings of the vestry may be called by the rector of the church by giving due notice thereof at any regular service on Sunday, or they may be called by serving upon the rector and upon all members of the vestry a notice in writing, signed by the rector, either warden or any two vestrymen. A majority of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote except in case of a tie; and in his absence from the meeting, one of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the remaining vestrymen at any meeting, and the persons so elected shall hold office for the same period as their predecessors would have held.
Meetings of vestry, how called.	
Quorum.	
Rector to preside.	
Vacancies in vestry, how filled.	
Who to have care and management of affairs.	SEC. 7. The vestry shall have the care and management of all the temporal affairs of such church, and they shall have authority, in the corporate name, to lease or to purchase and hold such real estate as shall be reasonably necessary for a church building, chapel, parish house, lecture and school rooms, and for dwellings for the ministers thereof; but it shall not be lawful for such corporation to hold or use any real estate for any other purpose for a longer period than ten years. The said vestry shall also have power to alienate or encumber any of the property of said corporation, but they shall not have power or authority to alienate or encumber any real estate purchased or held for any of the purposes above enumerated, without being first authorized to do so by a vote of the congregation of the parish, at the annual meeting or at a special meeting called for such purpose, and no other person shall vote at such special meeting except those qualified to vote at
May acquire real estate.	
Certain real estate, how long may hold.	
How may encumber property.	

the annual meeting; nor shall it be lawful to encumber or alienate any such property without the previous consent of the Bishop, acting with the advice and consent of the standing committee of the diocese in which such property is situated. Said vestry shall have authority to erect, alter, repair, enlarge, take down or remove and rebuild any church or other building belonging to such corporation, provided such vestry shall first have obtained from the parish authority so to do, in the manner hereinbefore provided for alienating or encumbering the property thereof. No owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected.

To have
consent of
bishop.

How may alter
and repair
church, etc.

SEC. 8. The vestry shall keep a record of their proceedings, which, together with a record of the meetings of the congregation of the parish, shall, at all times, be open to the inspection of any officer of the parish, and of all persons qualified to vote at the annual meeting of such church. Such records shall be prima facie evidence of the facts therein stated.

To keep record
of proceedings.

What to be
evidence.

SEC. 9. Any Protestant Episcopal Church whose corporate term of existence has expired, or may be about to expire, or may hereafter expire, by limitation, may be reorganized under this act, so as to become subject to the provisions thereof, whenever the wardens and vestrymen, *de jure or de facto*, shall execute and file articles of agreement as provided in this act. Said wardens and vestrymen, *de jure or de facto*, are hereby authorized by their names of office to make, sign, acknowledge, execute and file one or more duplicate articles of agreement, as provided in sections one, two and three of this act, which articles shall, in addition to the requisites in said last mentioned sections named, set forth that they are executed for the purpose of reorganizing said corporation according to the provisions of this act, and such articles shall be deemed sufficient when so executed and filed, although the number of signers shall be less than six, if they shall constitute the majority of such wardens and vestrymen, *de jure or de facto*. Upon the execution and filing of said articles such corporation shall, without further action, be deemed to all intents and purposes reorganized, and the corporate identity of such corporation shall continue unchanged.

How may
reorganise, etc.

Articles of
agreement.

Articles, what
to set forth.

When deemed
reorganised.

SEC. 10. Any church incorporated under this act may, at any annual meeting, or at any special meeting, called for that purpose, by a vote of the majority of those present qualified to vote and voting on the question, amend its articles of agreement in any manner not inconsistent with the provisions of this act, of the constitution and canons of the Protestant Episcopal Church in the United States of America, and of the diocese in which said church shall be located, and such amendments shall become operative on filing a copy of the same, certified by the presiding officer and secretary of such meeting, with the Secretary of State and with the clerk of the county in which such church is located; and all such amend-

Power of
church at
annual
meeting.

May amend
articles of
agreement, etc.

When valid.

May discontinue classification.

Vestrymen to be elected by ballot.

Who to be judges of election.

Who to preside.

Record of proceedings to be kept.

Wardens, etc., how chosen.

Meetings of vestry, how called.

Quorum.

Rector to preside.

Vacancies in vestry, how filled.

Who to have care and management of affairs.

May acquire real estate.

Certain real estate, how long may hold.

How may encumber property.

cant by the class whose term of office shall expire at the time. Any church desiring to discontinue such classification may do so, and thereafter vestrymen shall be elected for one year to fill the places made vacant by the class whose term of office shall expire at the time of election.

The vestrymen shall be elected by ballot, and shall serve until their successors shall be chosen. The wardens, when present, shall be the judges of the election, and shall permit no person to vote unless qualified as aforesaid; and they shall canvass and declare the result, and a majority of all the votes cast shall be necessary to elect. In case of the absence of the wardens, or either of them, members of the vestry shall be appointed to act as such judges in the place of the absent warden or wardens. The rector, when present, shall preside at all meetings of the parish. A full and complete record of the proceedings of all such meetings shall be kept by the secretary of the vestry.

SEC. 6. The vestrymen shall annually choose by ballot from their own body two members, who shall be communicants, to be wardens. They shall also appoint a secretary and a treasurer, who may be members of their own body, and they may employ such other agents and servants as may be required. Meetings of the vestry may be called by the rector of the church by giving due notice thereof at any regular service on Sunday, or they may be called by serving upon the rector and upon all members of the vestry a notice in writing, signed by the rector, either warden or any two vestrymen. A majority of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote except in case of a tie; and in his absence from the meeting, one of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the remaining vestrymen at any meeting, and the persons so elected shall hold office for the same period as their predecessors would have held.

SEC. 7. The vestry shall have the care and management of all the temporal affairs of such church, and they shall have authority, in the corporate name, to lease or to purchase and hold such real estate as shall be reasonably necessary for a church building, chapel, parish house, lecture and school rooms, and for dwellings for the ministers thereof; but it shall not be lawful for such corporation to hold or use any real estate for any other purpose for a longer period than ten years. The said vestry shall also have power to alienate or encumber any of the property of said corporation, but they shall not have power or authority to alienate or encumber any real estate purchased or held for any of the purposes above enumerated, without being first authorized to do so by a vote of the congregation of the parish, at the annual meeting or at a special meeting called for such purpose, and no other person shall vote at such special meeting except those qualified to vote at

the annual meeting; nor shall it be lawful to encumber or alienate any such property without the previous consent of the Bishop, acting with the advice and consent of the standing committee of the diocese in which such property is situated. Said vestry shall have authority to erect, alter, repair, enlarge, take down or remove and rebuild any church or other building belonging to such corporation, provided such vestry shall first have obtained from the parish authority so to do, in the manner hereinbefore provided for alienating or encumbering the property thereof. No owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected.

To have
consent of
bishop.

How may alter
and repair
church, etc.

SEC. 8. The vestry shall keep a record of their proceedings, which, together with a record of the meetings of the congregation of the parish, shall, at all times, be open to the inspection of any officer of the parish, and of all persons qualified to vote at the annual meeting of such church. Such records shall be prima facie evidence of the facts therein stated.

To keep record
of proceedings.

What to be
evidence.

How may
reorganize, etc.

SEC. 9. Any Protestant Episcopal Church whose corporate term of existence has expired, or may be about to expire, or may hereafter expire, by limitation, may be reorganized under this act, so as to become subject to the provisions thereof, whenever the wardens and vestrymen, *de jure or de facto*, shall execute and file articles of agreement as provided in this act. Said wardens and vestrymen, *de jure or de facto*, are hereby authorized by their names of office to make, sign, acknowledge, execute and file one or more duplicate articles of agreement, as provided in sections one, two and three of this act, which articles shall, in addition to the requisites in said last mentioned sections named, set forth that they are executed for the purpose of reorganizing said corporation according to the provisions of this act, and such articles shall be deemed sufficient when so executed and filed, although the number of signers shall be less than six, if they shall constitute the majority of such wardens and vestrymen, *de jure or de facto*. Upon the execution and filing of said articles such corporation shall, without further action, be deemed to all intents and purposes reorganized, and the corporate identity of such corporation shall continue unchanged.

Articles of
agreement.

Articles, what
to set forth.

When deemed
reorganized.

SEC. 10. Any church incorporated under this act may, at any annual meeting, or at any special meeting, called for that purpose, by a vote of the majority of those present qualified to vote and voting on the question, amend its articles of agreement in any manner not inconsistent with the provisions of this act, of the constitution and canons of the Protestant Episcopal Church in the United States of America, and of the diocese in which said church shall be located, and such amendments shall become operative on filing a copy of the same, certified by the presiding officer and secretary of such meeting, with the Secretary of State and with the clerk of the county in which such church is located; and all such amend-

Power of
church at
annual
meeting.

May amend
articles of
agreement, etc.

When valid.

ments heretofore made by any Protestant Episcopal Church are hereby declared to be valid and binding.

Acts repealed.

SEC. 11. The following entitled acts are hereby repealed, viz.: "An act to provide for the organization of Protestant Episcopal Churches," approved February seventeenth, eighteen hundred and fifty-seven; "An act to amend sections four, five, six and seven of an act entitled 'An act to provide for the organization of Protestant Episcopal Churches,' approved February seventeenth, eighteen hundred fifty-seven, being sections three thousand and eighty-three, three thousand and eighty-four, three thousand and eighty-five and three thousand and eighty-six of the compiled laws of eighteen hundred seventy-one, and to add a new section thereto, to stand as section eight of said act," approved May twenty-seventh, eighteen hundred seventy-nine; "An act to enable certain Protestant Episcopal Churches to reorganize under the statute, approved February seventeenth, eighteen hundred fifty-seven, entitled 'An act to provide for the organization of Protestant Episcopal Churches,'" approved March fourteenth, eighteen hundred sixty-five; also all other acts amendatory of the above entitled acts, or inconsistent with this act; but the organization of all corporations under the provisions of either of said acts shall be deemed and taken to be organizations under this act, and all rights, obligations and liabilities contracted or incurred by any such corporations thereunder, or under the provisions of any law now in force, not inconsistent with the provisions of this act, shall continue of the same force and effect as though such acts of law had not been repealed; all such corporations, from and after the taking effect of this act, shall be subject to all the provisions hereof as fully as though such organization had been perfected hereunder.

Churches heretofore organized, how may reorganise.

SEC. 12. Any Protestant Episcopal Church, heretofore organized under any other general law than those mentioned in the last preceding section, may reorganize so as to become subject to the provisions of this act. The wardens and vestrymen, *de jure or de facto*, of such church, or a majority of them, are hereby authorized by their names of office to execute, acknowledge and file one or more articles of agreement, as provided in sections one, two and three of this act, which articles shall, in addition to the requisites in said last mentioned sections provided, set forth that they are executed for the purpose of reorganizing such church according to the provisions of this act; and such articles shall be deemed sufficient, when so executed and acknowledged, although the number of signers shall be less than six, if consisting of a majority of such wardens and vestrymen. Upon the execution and filing of said articles, such church shall, without further action, be deemed to all intents and purposes to be reorganized and a corporation under this act, and all rights of property and of contract shall remain unimpaired, and the corporated identity of such church shall continue unchanged.

To execute articles of agreement.

What to set forth.

When deemed reorganized.

The wardens and vestrymen in office shall continue in office until the annual election in Easter week next following such reorganization, and until their successors shall be chosen; and no other meeting or notice shall be necessary to complete such reorganization.

Certain officers
to continue
in office.

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 41.]

AN ACT to provide for records to be kept, and reports to be made by, and for the State supervision of societies, associations and organizations incorporated, or which may hereafter be incorporated, under the laws of this State, the whole or part of the business of which is to receive and maintain minor children in institutions, or place minor children in homes, on indenture, by adoption, or otherwise, and to provide for certain expenses in connection with such records, reports and State supervision.

The People of the State of Michigan enact:

SECTION 1. There shall be kept at the institution of each and every society, association and organization, incorporated, or which may hereafter be incorporated, under the laws of this State, the whole or a part of the business of which is to receive, maintain, or place minor children in homes, on indenture by adoption, or otherwise, so far as the children in their custody or under their control, a full record of each child who is now in, or who may hereafter come within, its custody or control; which record shall contain such data as shall be deemed important by the State Board of Corrections and Charities, particularly as to the number of children received, their parentage, the cause of the child's admission, the consent or agreement of the parents, if any, or their authority by which the custody of the child is surrendered, age, date of admission, education, and special training given, and what disposition has been made of the same, and such records shall be continued during the minority of each child: *Provided*, That when a child is adopted, the record of such adopted child may cease at the time of its adoption. Such record shall always be open for the inspection of the State Board of Corrections and Charities, or any member or officer of such State board.

Institutions to
keep record of
children.

Record, what
to contain.

Proviso.

To be open to
inspection.

SEC. 2. It shall be the duty of the respective boards of each of the corporations named or described in section one of this act, to make or cause to be made, on the thirtieth day of June of each year, an annual report, which report shall give a full account of the work done by each such corporation, as far as

To make
annual report
to board of
corrections and
charities.

such work relates to the minor children who have been in the custody or under the control of the corporation during the year covered by its report, and such report shall be immediately filed with the State Board of Corrections and Charities at Lansing. Reports shall also be made at such times as such State board may request.

Other reports, when made.
Board of corrections and charities to visit institutions and report.
Proviso.
What officer, etc., to be admitted to institution for inspection.
Blanks for reports, by whom furnished.
Who to audit expense for blanks, etc.

SEC. 3. The State Board of Corrections and Charities is hereby authorized and required, as a board, or by some member of such board, or by its secretary, to visit, examine and inspect all institutions or corporations named or described in section one of this act, and to make report thereon in the official report of such State Board, with such recommendations as it shall deem desirable: *Provided*, That in such official report nothing shall appear to identify any child who may have been placed out in a home by such institution or corporation. For this purpose all persons or officers in charge of such institutions are hereby required to admit to such institutions the members of, or any member or officer of, the State Board of Corrections and Charities, at any and all times into every part of their respective institutions for the purpose of official inspection of the same, and render such board every facility within their power to enable such member or officer to make in a thorough manner their visit, inspection and examination.

SEC. 4. The State Board of Corrections and Charities shall prepare, have printed, and shall supply the several incorporated institutions named or described in the first section of this act, all blanks for the reports required by section two of this act, and the several such corporations shall use the blanks so supplied in making such reports. The expense necessarily incurred in the printing and distribution of such blanks and in the securing and supervising of such reports when filed, shall be audited by the Board of State Auditors, and be paid from the general fund.

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 42.]

AN ACT to prohibit non-incorporated societies, associations, organizations or persons from receiving, maintaining or placing minor children in homes.

The People of the State of Michigan enact:

Unlawful for certain societies, etc., to receive or maintain minor children.

SECTION 1. It shall be unlawful for any society, association or organization whatever, not incorporated under the laws of this State, or for any person for himself, or as agent, officer or employe of such society, association or organization of this or

any other State, to carry on the business of receiving or maintaining minor children in homes, or placing minor children in homes, on indenture, by adoption or otherwise, and any person who for himself, or as agent, officer or employe of such society, association or organization whatever of this or of any other State, shall carry on the business of receiving or maintaining minor children in homes, or placing such children in homes, by indenture, except for some institution which is incorporated under the laws of this State for such purpose, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished as the statute prescribes for such offense.

Violation of act
a misdemeanor,
how punished.

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 43.]

AN ACT to make valid certain acts performed by Alexander O'Driscoll Taylor.

The People of the State of Michigan enact:

SECTION 1. All acts performed by Alexander O'Driscoll Taylor, of Newport, Rhode Island, between the nineteenth day of May, eighteen hundred ninety-eight, and the eighteenth day of January, eighteen hundred ninety-nine, which would have been valid had the said Alexander O'Driscoll Taylor been, during said time, duly appointed a Commissioner of Deeds for the State of Michigan in the State of Rhode Island, shall be for all purposes as good and as valid, and shall have the same force and effect, as if the same had been taken before any officer authorized to take such acknowledgments, oaths, or affirmations residing in this State.

Certain acts
declared valid.

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 44.]

AN ACT to provide for the publication and distribution of Laws and Documents, Reports of the several Officers, Boards of Officers and Public Institutions of this State now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the Official Directory and Legislative Manual of the State of Michigan, and to repeal act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, approved May thirty-one, eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, approved March nineteen, eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act.

The People of the State of Michigan enact:

Acts of general
character, etc.

How bound
and marked.
Acts of local
character.

How bound
and marked.

Public acts,
to whom
distributed.

SECTION 1. The Secretary of State be and he is hereby directed and required, within twenty days after the close of any session of the Legislature of this State, to carefully examine and classify the acts passed and prepare the same for publication in bound volumes, as follows: All acts of a general character which affect the people of the whole State, all joint and concurrent resolutions, amendments to the constitution of the State adopted after the publication of the laws of the previous session of the Legislature, and so much of the annual report of the State Treasurer of the year in which there is a regular session of the Legislature as shall give an accurate account of the receipts and expenditures of the public moneys, shall be published in one volume, properly arranged with side notes and indexes thereto, as the session laws are usually published, lettered on the back, "Public Acts, Michigan, Session of ———." All acts of a local or municipal character, which do not affect the people of the whole State, and the copies of proceedings of boards of supervisors organizing new townships, or changing the boundaries of townships, received and filed in the office of the Secretary of State after the publication of the laws of the previous session of the Legislature, shall be published in one or more volumes, properly arranged with side notes and indexes thereto, and shall be lettered on the back, "Local Acts, Michigan, Session of ———." The style of printing shall be in long primer, solid type, and the size of the page shall be similar to that of the compiled laws of eighteen hundred seventy-one.

SEC. 2. There shall be published of the volume containing the public acts of each session of the Legislature a sufficient number of copies to supply the following persons, officers, libraries, corporations and societies, with one copy each, viz.: Libraries of State officers, libraries of State institutions, members and libraries of State boards, members of the legislature passing

said acts, ex-members of the Legislature who may request them, the secretary, assistant secretary and clerks of the Senate, and the clerk and assistant clerks of the House of Representatives, of this State; Senators and Representatives of this State in Congress; the Secretary of State of the United States, the United State Senate library and the library of Congress; judges and clerks of circuit and district courts of the United States in this State; justices and clerks of the supreme court, judges of the circuit courts, judges and clerks of the superior and police courts; county clerks, prosecuting attorneys, circuit court commissioners, sheriffs, judges of probate, register of deeds, county treasurers, county superintendents of the poor, county surveyors, county drain commissioners and coroners; supervisors, clerks and justices of the peace of townships; clerks and justices of the peace of incorporated villages and cities; public, free and incorporated libraries, and to publishers of newspapers published at that time in this State who may request them. In addition to the foregoing, there shall be published of said public acts twelve hundred copies, two hundred copies of which shall be deposited in the State Library, for use in said library and for exchanges, and the remaining one thousand copies shall be deposited in the office of the Secretary of State for sale and future distribution. And the Secretary of State is further authorized to publish and distribute to all persons who shall require them, in pamphlet form, duly annotated and indexed, compilations of the general laws upon the following subjects: Elections, schools, drains, highways and bridges, live stock sanitation, manufacture, sale and use of spirituous liquors, public health, game and fish, support of poor persons, railroads, banking, mining corporations, manufacturing and mercantile corporations, insurance corporations, building and loan associations, general charter for villages, general charter for cities of the fourth class, biennial supplement to the township officers' guide, marriage and divorce, and all acts of a general nature given immediate effect by the Legislature within thirty days after their passage. The Auditor General shall publish and distribute all pamphlets of the general tax law, or of all other laws relating to the revenues of the State as may be required.

Additional
copies, how
distributed.

Miscellaneous
compilations.

Immediate
effect acts.

Pamphlets on
tax law, who
to distribute.

SEC. 3. There shall be published of the volume or volumes containing the acts of a private or municipal character a sufficient number of copies to supply the following persons, officers, libraries and corporations with one copy each, viz.: Libraries of State officers, libraries of State institutions, libraries of State boards; members of the Legislature passing said acts, the secretary and assistant secretary of the Senate, the clerk and assistant clerks of the House of Representatives; judges and clerks of circuit and district courts of the United States in this State; justices and clerks of the supreme court, judges of the circuit courts, judges and

Local acts, to
whom
distributed.

clerks of superior and police courts; county clerks, prosecuting attorneys, circuit court commissioners; clerks of such townships, villages and cities as are directly affected by any of said acts, and two hundred copies, which shall be deposited in the office of the Secretary of State, for sale and future distribution.

State laws, etc.,
how branded.

SEC. 4. All the volumes of the State laws, legislative manuals and other books, hereafter published and distributed, and required to be retained in any library, or passed over by any officer to his successor in office, shall have marked or branded on both covers thereof the words "State property."

Laws, who may
sell.

SEC. 5. The Secretary of State is hereby authorized to sell, in his discretion, at a fair price, such extra copies of the session laws as will not be required for distribution, which sale shall be at not less than the actual cost thereof, and shall account for the same to the State Treasurer, and pay the money received therefor into the State treasury monthly.

Official journal,
how printed
etc.

SEC. 6. The official journal of the Senate and House of Representatives shall be printed in long primer, solid type, same size of page as that of the compiled laws of eighteen hundred seventy-one, and a sufficient number shall be printed and bound, in volumes of convenient size, to supply the following persons, officers, libraries and corporations with one copy each, viz.: Libraries of State officers, libraries of State institutions, libraries of State boards; members of the Legislature of the year when said journals are issued, the secretary, assistant secretary and clerks of the Senate, the clerk and assistant clerks of the House of Representatives; Senators and Representatives in this State in Congress, the United States Senate library and the library of Congress; judges and clerks of the United States circuit and district courts in this State; justices and clerk of the supreme court, judges of circuit courts, and county clerks. In addition to the foregoing, there shall be published two hundred copies for deposit in the office of the Secretary of State, to supply future demands.

To whom
distributed

Additional
copies.

Report of state
board of agri-
culture.

SEC. 7. The secretary of the State Board of Agriculture shall report to the Legislature at every regular session thereof, and to the Governor on the first Wednesday of January of each year when the Legislature is not in session, which report shall embrace all statements, accounts, statistics, prize essays and other information relative to agriculture in general, proceedings of the State Board of Agriculture, of the State Agricultural College and Farm, of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the board. As many copies, not exceeding eight thousand, of this report, as the State Board of Agriculture shall, in their discretion, deem necessary, shall be printed and bound prior to the first day of May, and delivered on the order of the secretary of the State Board of Agriculture, to be distributed as the board shall direct; also a sufficient number of

Number of
copies, when
printed, etc.

How dis-
tributed.

copies to supply crop correspondents of the Secretary of State with one copy each; also two hundred copies for deposit in the office of the Secretary of State for future distribution: *Provided*, That such reports shall not exceed four hundred pages of the size of pages of the report for the year eighteen hundred ninety-five.

Copy to crop correspondents.

Proviso.

SEC. 8. The secretary of the State Horticultural Society shall make a report annually, similar in character to that of secretary of the State Board of Agriculture, covering the subject of horticulture; such report, however, shall not be published for any year if a manuscript copy of the same be not furnished to the Governor complete on or before the first day of February of the succeeding calendar year; and in case of the omission of the publication by reason of delay in furnishing said report, a synopsis, not exceeding twenty pages of printed matter of the delayed report, shall be printed in the succeeding volume of such report when furnished in accordance with the provisions of this section. Said report shall be printed and bound in similar form as is the report of the secretary of the State Board of Agriculture, and a sufficient number of copies to supply one copy each to the members of the State Horticultural Society, one copy to the members of local horticultural societies who are not members of the State society; one copy to State crop correspondents and exchange copies for kindred organizations, and such number of copies, not exceeding one thousand, as in his discretion will be necessary for preservation, use and distribution by the librarian of the State Horticultural Society, who shall be the clerk in charge of agricultural statistics in the Secretary of State's office; and the expense of distribution of such reports by said librarian shall be allowed by the State Board of Auditors upon satisfactory certificate of such expenses actually incurred by said librarian. A sufficient number of copies to supply crop correspondents of the Secretary of State one copy each shall be deposited with the Secretary of State and the remaining copies shall be delivered to the secretary of the State Horticultural Society on the order of the Secretary of State, but the total number of reports printed and published under this section shall not exceed eight thousand copies of three hundred pages each of the size of pages of said report for the year eighteen hundred ninety-five.

Report of horticultural society.

When made.

Synopsis of.

How bound, etc.

Who to be supplied with copy.

Expense for distribution, how paid.

Crop correspondents to be supplied.

Limit of copies published.

SEC. 9. The annual report of the Secretary of State of the births, marriages, deaths and divorces shall be printed and bound for distribution as follows: Two hundred copies for the State Board of Health, for distribution by said board in their discretion, and for distribution by the Secretary of State such number of copies as he shall deem necessary, not exceeding two thousand in number. Also a sufficient number of the monthly bulletin of vital statistics shall be issued by the Secretary of State to supply registrars, health officers, newspapers

Report of births, marriages, etc.

Number for state board of health.
For secretary of state.

Monthly bulletin of vital statistics.

published in Michigan, libraries, county officers and other persons making special requests for the same.

Number of reports of state board of health published.

SEC. 10. A sufficient number of copies of the annual report of the secretary of the State Board of Health shall be printed to supply the office of the Secretary of State with two hundred copies for future distribution, and as many copies for use and distribution under the direction of the State Board of Health as said board may deem necessary, but the whole number of copies printed and published under this section shall not exceed four thousand. Such reports, when printed, shall be delivered on the order of the Secretary of State to the secretary of the State Board of Health; such report shall not exceed three hundred pages, including context and index, said pages to be of size of the pages of the report of said Board of Health for the year eighteen hundred ninety-four.

Size of report, and style.

Report of superintendent of public instruction.

Style of, etc.

Who entitled to copy.

Size of report.

Limit of amount to be expended for cuts, etc.

Proviso.

Report of commissioner of labor, what to include, etc.

Number to be printed, etc.

SEC. 11. There shall be printed of the annual report of the Superintendent of Public Instruction a sufficient number to supply all school libraries in the State with one copy each, which copy shall be bound in the same style as provided by this act for binding State publications for library distribution; also one copy each to the following persons or institutions: To each Superintendent of Public Instruction, State University and State Normal School in the United States, each living ex-superintendent and deputy superintendent of public instruction in this State, each member of county boards of examiners; each city superintendent of schools; two hundred copies for deposit with the Secretary of State for future distribution, and such number of additional copies as the Superintendent of Public Instruction may, in his discretion, deem necessary, not exceeding three hundred copies. Said report shall not exceed three hundred pages, including context and index, such pages to be the size of the pages of the report of the Superintendent of Public Instruction for the year eighteen hundred ninety-five. Not to exceed the sum of fifty dollars for any one report shall be expended for cuts or illustrations for said report: *Provided*, That said fifty dollars shall cover the cost for special paper, if necessary for such cuts, and also the cost of making such cuts.

SEC. 12. There shall be furnished of the annual report of the Commissioner of Labor, which shall include the report of the Bureau of Factory Inspection, two hundred copies for deposit with the Secretary of State for future use and distribution, and such number of copies for distribution by the Commissioner of Labor as the said commissioner shall deem necessary; but the whole number of copies of said report printed under this section shall not exceed four thousand. Such report shall not exceed four hundred pages, including index, such pages to be the size of the pages of the report of the Commissioner of Labor for the year eighteen hundred ninety-six. Such report

shall contain no cuts or illustrations. Such report when printed shall be delivered on the order of the Secretary of State to the Commissioner of Labor.

SEC. 13. There shall be printed of the annual report of the Commissioner of Railroads one hundred copies for deposit with the Secretary of State for future use and distribution; one copy to each railroad commissioner in the United States, and one copy to each of the following named persons, to wit: To each president, vice-president, general manager, superintendent and head of a department of any railroad company owning or operating a railroad in this State, such additional copies, not to exceed six hundred, as the Railroad Commissioner may deem necessary for distribution; such report when printed shall be delivered on the order of the Secretary of State to the Commissioner of Railroads. Such report shall not exceed three hundred pages, including context and index, the pages to be of the size of the pages of the report of the Commissioner of Railroads for the year eighteen hundred ninety-seven.

Report of
commissioner
of railroads.
Distribution of,
etc.

SEC. 14. There shall be printed of the following reports the number of copies herein indicated. Not to exceed one hundred copies of each shall be printed and bound and retained in the office of the Secretary of State for future distribution. The number indicated in section twenty shall be printed for the purposes indicated in section twenty, and in addition there shall be printed the number of copies, as follows, which shall be distributed by the heads of the departments and institutions making the report:

Number to be
received by
heads of
departments
for distribution.

- Adjutant General, not to exceed five hundred;
- Auditor General, not to exceed five hundred;
- Board of State Auditors, not to exceed five hundred;
- Commissioner of Banking, not to exceed five hundred;
- Commissioner of Insurance, fire and marine report, not to exceed twelve hundred;
- Commissioner of Insurance, life, casualty, assessment and fraternal report, not to exceed fifteen hundred;
- Commissioner of the State Land Office, not to exceed five hundred;
- Dairyman's Association, not to exceed five hundred;
- Dairy and Food Commissioner, not to exceed five hundred;
- Game and Fish Warden, not to exceed one thousand;
- Inspector of Illuminating Oils, not to exceed five hundred;
- Salt Inspector, not to exceed four hundred;
- State Board of Education, not to exceed five hundred;
- All State penal, reformatory and charitable institutions, not to exceed five hundred each;
- State Treasurer, not to exceed five hundred;
- State Live Stock Sanitary Commissioner, not to exceed five hundred;
- Annual meetings of superintendents of the poor and Union associations, not to exceed eight hundred;

Abstract of the annual report of county superintendents of the poor, not to exceed five hundred;

Abstracts of reports of sheriffs relative to jails, not to exceed five hundred;

Abstracts of statistical information relative to the insane, deaf and dumb, blind, idiotic and epileptic, not to exceed one thousand;

Report of the Michigan Academy of Science, not to exceed one thousand copies of two hundred fifty pages each;

State Librarian, not to exceed five hundred.

Report of
state board of
agriculture.

Board of state
auditors to
audit expense.
Crop report to
be printed,
limit of
expense.

SEC. 15. The State Board of Agriculture shall prepare and print bulletins of the experiment station as at present provided by law, which expense shall be audited by the Board of State Auditors, but in no year shall the expense for printing and binding of any bulletins by the State Board of Agriculture exceed the sum of one thousand dollars. The crop reports of the Secretary of State shall be printed as at present provided by law, and the sum so expended for printing and binding shall not exceed the sum of one hundred fifty dollars in any one year.

The State Dairy and Food Commissioner shall prepare and print monthly food bulletins as provided by present law, and the expense of printing and binding the same shall not exceed in any one month the sum of twenty-five dollars; said bulletins to be issued without covers.

State librarian.
Limit of
expense for
publishing
bulletins.

The State Librarian is authorized to expend in any one year not exceeding one hundred dollars for printing and binding bulletins.

State board of
health.

The State Board of Health is hereby authorized to expend, in any one year, not exceeding one hundred dollars for printing and binding bulletins.

Report of
state board of
corrections and
charities.

Number to be
published, etc.

SEC. 16. There shall be printed of the report of the State Board of Corrections and Charities two hundred copies for deposit in the office of the Secretary of State for future use, and such number of copies for distribution by said board as the said board may deem necessary, not exceeding thirteen hundred in number. Such report shall not exceed two hundred fifty pages, including context and index, such pages to be the size of pages of the said report for the year eighteen hundred ninety-six. When printed, such report shall be delivered on the order of the Secretary of State to the secretary of the State Board of Corrections and Charities.

State publica-
tions, by whom
distributed.

SEC. 17. All State publications, the distribution of which is made at the expense of the State, and which is not otherwise especially provided for by special appropriation, or in this act, shall be distributed by the Secretary of State upon the written request of the several officers under whose charge the several reports may be issued, and upon the presentation to the Board of State Auditors of the proper vouchers as provided in this section, the cost of distribution of such publica-

tions, either by freight, express or mail, shall be allowed and ordered paid by the treasurer from the general fund, and the Board of State Auditors may, in their discretion, allow as a working capital to the Secretary of State, to carry out the provisions of this section, an advanced sum not exceeding three hundred dollars. No publication containing slips "with compliments of——," or other designating marks, indicating that the publication was sent to the recipient other than as a present from the State, shall be hereafter distributed under this section, or otherwise, at the expense of the State, and any officer or employe who knowingly permits or allows any violation of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be discharged from the employ of the State, and fined not less than five nor more than fifty dollars, in the discretion of the court.

Cost of distribution, how paid.

Publications shall not contain slips "with compliments of." os.

Penalty.

SEC. 18. It shall be the duty of the several officers and boards of this State, and also of the several public institutions thereof, from whom reports are now or may hereafter be required, unless otherwise especially provided for, to make their respective annual or biennial reports to the Governor for the period covered by the fiscal year ending June thirtieth, and to cause the copy for their respective reports to be placed in the hands of the Board of State Auditors, as soon as practicable after the close of the said fiscal year, and not later than December first next following; and prior to making the copy of such report to fully advise with the Board of State Auditors, either personally or by correspondence, regarding the use of cuts or plates in such reports, who shall immediately forward said copy to the State printer, along with the order for printing and binding the same, and at the same time furnish a copy of said order to the Secretary of State.

Officers, boards and public institutions to make reports.

Copy, when filed, etc.

SEC. 19. All reports enumerated in this act which are made annually shall be printed annually; and all reports enumerated in this act which are made biennially shall be printed biennially.

When reports to be printed.

SEC. 20. There shall be printed of all publications, reports and documents as provided in this act, such additional copies for use and exchanges by the State Library as the State Librarian may in his discretion deem necessary for such purpose, but not exceeding two hundred copies of any one publication, and it shall be the duty of the Board of State Auditors to advise with the State Librarian, prior to ordering the State printer to print such publications, that the proper number be ordered from the State printer and delivered to the State Librarian.

Additional copies.

Number of.

Board of state auditors to advise with librarian.

SEC. 21. The paper to be used for all State publications shall be what is known in trade as first-class calendered book paper, so water-marked with the word "Michigan" that a portion of said water mark shall appear on each page of every publication.

Paper to be used.

How marked.

Size and style
of state pub-
lications.

SEC. 22. The general style of printing of State publications shall be long primer, solid style, and the size of page for reports shall be similar to the size of pages of the report of the State Board of Agriculture for the year eighteen hundred ninety-five; and of the House and Senate Journal, public and local acts, similar to those of eighteen hundred ninety-five.

Laws and
journals, how
bound.

SEC. 23. The binding of the public acts, local acts, Senate and House Journal, shall be either fullsheep or half sheep, or partly in each style, as the Board of State Auditors shall deem necessary, and a good quality of "sheep" or "law skiver" leather shall be used, and all work done in first-class style. The binding of such portion of the State's publications as are intended for library distribution shall be bound with leather backs and corners, marbled paper sides, cloth board and marbled edges, and to have head bands, and be lined with super, well stitched. Such portions of the publications as are not intended for library distribution shall be bound in cloth as at present, and such number which the Board of State Auditors consider necessary shall be bound in what is known as "silk cloth" sides, shall have head bands, be lined with super, and well stitched. But in no case shall any separate report containing less than one hundred pages be bound otherwise than in paper: *Provided*, That the Board of State Auditors shall be authorized to make contracts for doing any binding specified in this act which is not covered by existing contracts.

Reports con-
taining less
than one hun-
dred pages,
how bound.
Proviso as to
contracts.

Secretary of
state to publish
manual.

Name of, etc.

SEC. 24. Hereafter the Secretary of State shall cause to be prepared and published biennially a legislative manual to be known as "Official Directory and Legislative Manual of the State of Michigan for the Years 18.... and 18....," to be distributed by him to the persons and officers hereinafter named, or as he or they may order, and to be ready for distribution not later than March first in each year when the Legislature is in regular session; said publication to be of the same size, style and character of binding as that of the manual of eighteen hundred ninety-seven.

What manual
to contain.

SEC. 25. Said manual shall contain the following:

- The constitution of the United States;
- Constitution of the State of Michigan;
- Maps of Congressional Districts, Senatorial Districts, Representative Districts, Judicial Circuits, and population of each by last preceding census;
- Maps of railroads of State;
- Tables showing distances between stations on railroad lines;
- The vote for Governor and Secretary of State by townships and wards at the last preceding November election;
- List of postoffices;
- List of newspapers;
- List of banking institutions;
- List of Building and Loan Associations;
- Latest statistics of educational, charitable, reformatory and penal institutions of the State;

Table of valuation of taxable property in the several counties of the State, as fixed by the State Board of Equalization at their last preceding meeting;

Rules and joint rules of the Senate and House of Representatives;

Diagrams of the Senate Chamber and Representative Hall;

Names, ages, occupations and residences of the members and officers of both houses;

Population of State by townships, according to last census;

Population of cities and villages in the State, by last census;

Names and residences of State officers and members of State boards and principal officers of State institutions;

List of standing committees of both houses of the Legislature, and also special committees;

Declaration of Independence;

Laws in regard to payment, organization, powers of, and election of United States Senators by the Legislature;

Michigan legislative decisions;

Practice and proceedings of Michigan Legislature;

List of reports required by statutes;

List of former officials of the United States from Michigan;

List of former State officials of Michigan;

Constitutional conventions of Michigan;

List of public documents printed by authority;

Judicial systems of Michigan;

The State Judiciary;

Judicial circuits, population and terms of court;

United States circuit courts in Michigan;

Legal holidays;

The liquor tax from annual reports of county treasurers to Auditor General, and classification of same;

Summary of State taxes levied for preceding ten years, the amount and purposes thereof;

Report of State Treasurer;

Location of State lands, and prices of, and instructions in regard to;

Statistics of Public School System of Michigan;

Incorporated cities of Michigan, with date of incorporation, population and location, and reference to acts of incorporation;

Incorporated villages of Michigan; with date of incorporation, population and location, and reference to acts of incorporation;

Former Legislatures of Michigan, giving length of session, number of laws enacted, number of joint and concurrent resolutions, total membership and politics;

Members of all former Michigan Legislatures, giving post-office addresses at time of membership, district and session, for ten years last past;

Speakers, speakers pro tem; and clerks of former houses of Representatives, with county from which chosen, and session for ten years last past;

and a sufficient number for exchange for manuals of other States, which exchange shall be made by the Secretary of State; also the following number of copies for distribution respectively by the Governor, two hundred; Lieutenant Governor, two hundred; Secretary of State, one hundred fifty; State Treasurer, one hundred fifty; Commissioner of State Land Office, one hundred fifty; Auditor General, one hundred fifty; Attorney General, one hundred fifty; Superintendent of Public Instruction, one hundred fifty; Members of Senate, two hundred; Speaker of House, one hundred fifty; Members of House, except Speaker, one hundred; Secretary of Senate, one hundred; Clerk of House, one hundred; Commissioner of Banking, thirty; Commissioner of Insurance, thirty; Commissioner of Railroads, thirty; Commissioner of Labor, thirty; Dairy and Food Commissioner, thirty; Adjutant General, thirty; Inspector General, thirty; Quartermaster General, thirty; Assistant Secretary of the Senate, thirty; Journal Clerk of the House, thirty; Bill Clerk of the Senate, twenty-five; Bill Clerk of the House, twenty-five; Proofreader of the Senate, ten; Sergeant-at-Arms of the Senate, fifteen; Proofreader of the House, ten; Sergeant-at-Arms of the House, fifteen; Reading Clerk of the House, twenty-five; Financial Clerk of the House, twenty-five; all employees of the House and Senate except Messengers, three each; Messengers, one each; and the Legislative Manuals the distribution of which is not provided for in this section shall be deposited in the office of the Secretary of State for future sale and distribution; and the Secretary of State is authorized to deliver one copy to each of the clerks of the several departments, who shall make application for the same.

Board of state auditors to advise with officers as to number of copies needed.

State printer to deliver copies.

Provide relative to claims for publication of reports.

SEC. 31. It shall be the duty of the Board of State Auditors to advise with the several officers, boards of officers and public institutions making reports as to the number of copies of their reports necessary. And it shall be the duty of the State printer or binder to deliver at the office of the Secretary of State, or at such other place or places as he may direct, all the books or pamphlets to be printed and bound, as mentioned in this act; and the Secretary of State shall cause a receipt to be given for all the books received by him, which receipt shall certify that all books and pamphlets so received by him correspond in all points with the order given by the Board of State Auditors, as provided in section eighteen of this act: *Provided*, The Board of State Auditors shall not audit or allow claims for the publication of any reports or documents except such as are specified in this act, except that of any regular or special message of the Governor as many copies as he shall deem necessary, not to exceed ten thousand, shall be printed and delivered to him on the order of the Secretary of State.

SEC. 32. It shall be the duty of the county commissioners of schools to distribute all copies of the "Official Directory and Legislative Manual" to the schools in their respective counties, as provided in section thirty of this act; and also to see that the same are kept for the use of said schools, and it shall be the duty of the Secretary of State to direct and oversee the prompt distribution of the laws, journals, documents and reports mentioned in this act, whose distribution is not otherwise provided for; and said laws, journals, documents, and reports shall be shipped to the several county clerks and county commissioners of schools in the State, and be distributed by them to the persons, officers, corporations and societies within their respective counties entitled to the same, and that, until so distributed, they shall be carefully preserved by said county clerks and county commissioners of schools. That the accounts for boxes furnished to the Secretary of State for package and distribution shall be audited and allowed by the Board of State Auditors and paid out of the State treasury, and the expense of transportation from the office of the Secretary of State to the county clerks and county commissioners of schools, and of distribution by them to the persons entitled to the same, shall be audited and allowed by the boards of supervisors and paid out of the county treasuries.

Commissioners of schools to distribute copies.

Secretary of state to direct distribution of laws, journals, etc.

Board of state auditors to audit and allow accounts for boxes.

Expense of transportation.

SEC. 33. It shall be the duty of the several county clerks and county commissioners of schools, upon receiving any of the books mentioned in this act, to receipt to the Secretary of State for the same, which receipt shall be filed and preserved in the office of the Secretary of State; and it shall also be the duty of the said county clerks and county commissioners of schools to distribute said books as provided in this act, and to report at the expiration of a month after each reception of books to the Secretary of State, on blanks furnished by him, by giving a full statement of all of said books remaining in his office, together with the names of the officers neglecting to call for the books to which they are entitled; and it shall be the duty of all persons, officers, corporations and societies, upon receiving any of the books mentioned in this act, to receipt respectively to the county clerk and county commissioner of schools for the same, which receipt shall be filed and preserved in the office of the county clerk and county commissioner of schools respectively. It shall also be the duty of the Secretary of State to notify each person to whom any books are sent, except township officers, either directly or in care of the county clerk, which are required by this act to be kept in any library or passed over to any successor in office, and that each person receiving such notice shall, within a reasonable time, apply to the county clerk for the books mentioned in this notice, if such books were sent to the county clerk, and obtain the same; and if such books have been

County clerks and county school commissioners to receipt for and distribute books.

Report to be made to secretary of state.

Persons, officers, etc., to receipt to county clerk and county school commissioner for books. Receipts to be filed.

Secretary of state to notify persons to whom books are sent, etc.

Persons to be held responsible.

received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent as in the case of his neglect or refusal to deliver over to his successor books received by him, except that books sent for the use of township officers may be sent to either the township clerk or county clerk, when the Secretary of State shall notify the township clerk, who shall draw all of the books for the officers of his township and distribute the same.

Persons, officers, etc., to deliver books to successors.

Neglect or refusal to deliver books to successor. Penalty for.

Proviso as to township and county officers.

SEC. 34. Every person or officer who shall receive any of the books distributed by the Secretary of State, which are required by this act to be placed in his library, and each city, village, township and county officer, shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him; and any person who shall neglect or refuse to deliver over to his successor in office all such books, received by him as aforesaid, shall be liable to such successor in an action for money had and received to the full amount it shall cost him to furnish himself with such books, and costs of suit; which action shall, on request, be brought and prosecuted by the prosecuting attorney of the county; and any person who shall knowingly and wilfully retain any such books in his possession, or refuse to pass them over to his successor, shall also be subject to a penalty in a sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding three months, or both, in the discretion of the court: *Provided, however,* That township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb and blind, shall not be required to pass them over to their successors.

Township clerks or their deputies to call for books and distribute same.

Township clerks or deputies to collect books belonging to state in case of vacancy in any township office.

Proviso.

SEC. 35. It shall be the duty of the township clerk or his deputy, within ten days after the receipt of the notice for books from the Secretary of State, to call for the same and give his receipt to the county clerk, and distribute the books so received to the different officers of his township entitled to the same, taking their receipts therefor, and filing said receipts in his office, and transcribing them in a book for what purpose to be delivered to his successor. In case any vacancy occurs in a township office provided with books, the property of the State, which should be turned over to the officer filling such vacancy, it shall be the duty of the township clerk or his deputy to collect at once all such books and keep them in his custody until he can turn them over to the new officer filling such vacancy, taking his receipt therefor. The township board is hereby authorized and directed to allow said township clerk or his deputy all just and necessary expenses incurred by him, or a per diem for his compensation, for the performance of his duties imposed upon said township clerk by this section: *Provided,* That in case of a vacancy in the office of township clerk and deputy township clerk, or his ina-

bility to perform the duties as prescribed in this section, then the supervisor of the township shall perform the same: *And provided further*, That in case of vacancies or inability of the clerk, his deputy and the supervisor to perform such duties as prescribed above, the justice of the peace of the township whose term of office first expires shall perform these duties until such vacancy or vacancies are duly filled, or inability removed; and either the supervisor or justice of the peace performing such duties shall be entitled to the same compensation as the clerk if he had performed the duties.

Further
proviso.

SEC. 36. In cases of loss by fire, or in any manner whatsoever beyond his control, of a book or books by an officer, who is required to transmit them to his successor, or if the same is so worn as to become useless said officer shall make a statement setting forth all the circumstances under which the loss occurred, which statement shall be sworn and subscribed to before an officer entitled to administer oaths, and certified to by the clerk of the county under his hand and seal of the court, and forward the same to the Secretary of State, who, after examination of said affidavit, he being convinced that the facts as set forth in the affidavit are true, and that in his judgment the officer is not responsible for the loss of the book or books, is hereby empowered and authorized to replace the book or books lost as claimed, and in his discretion may send the book or books either to the county clerk or to the township clerk in whose township the loss occurred.

Loss of books
by fire, secre-
tary of state
to replace, etc.

SEC. 37. Act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State, now and hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to repeal all existing laws providing for the publication and distribution of said laws, documents or reports;" act number twenty of the session laws of eighteen hundred eighty-nine, entitled "An act to amend section one of act number two hundred sixty-three of the public acts of one thousand eight hundred seventy-nine, entitled 'An act to provide for the preparation, publication and distribution of a Legislative Manual,' approved May thirty-first, one thousand eight hundred and seventy-nine, as amended by act number seventy-nine of the public acts of one thousand eight hundred and eighty-seven;" and all other laws or parts of laws contravening or inconsistent with this act, be and the same are hereby repealed.

Acts repealed

This act is ordered to take immediate effect.

Approved April 18, 1899.

received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent as in the case of his neglect or refusal to deliver over to his successor books received by him, except that books sent for the use of township officers may be sent to either the township clerk or county clerk, when the Secretary of State shall notify the township clerk, who shall draw all of the books for the officers of his township and distribute the same.

Persons, officers, etc., to deliver books to successors. SEC. 34. Every person or officer who shall receive any of the books distributed by the Secretary of State, which are required by this act to be placed in his library, and each city, village, township and county officer, shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him; and any person who shall neglect or refuse to deliver over to his successor in office all such books, received by him as aforesaid, shall be liable to such successor in an action for money had and received to the full amount it shall cost him to furnish himself with such books, and costs of suit; which action shall, on request, be brought and prosecuted by the prosecuting attorney of the county; and any person who shall knowingly and wilfully retain any such books in his possession, or refuse to pass them over to his successor, shall also be subject to a penalty in a sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding three months, or both, in the discretion of the court: *Provided, however,* That township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb and blind, shall not be required to pass them over to their successors.

Persons to be held responsible. SEC. 35. It shall be the duty of the township clerk or his deputy, within ten days after the receipt of the notice for books from the Secretary of State, to call for the same and give his receipt to the county clerk, and distribute the books so received to the different officers of his township entitled to the same, taking their receipts therefor, and filing said receipts in his office, and transcribing them in a book for what purpose to be delivered to his successor. In case any vacancy occurs in a township office provided with books, the property of the State, which should be turned over to the officer filling such vacancy, it shall be the duty of the township clerk or his deputy to collect at once all such books and keep them in his custody until he can turn them over to the new officer filling such vacancy, taking his receipt therefor. The township board is hereby authorized and directed to allow said township clerk or his deputy all just and necessary expenses incurred by him, or a per diem for his compensation, for the performance of his duties imposed upon said township clerk by this section: *Provided,* That in case of a vacancy in the office of township clerk and deputy township clerk, or his ina-

Persons, officers, etc., to deliver books to successors.

Neglect or refusal to deliver books to successor. Penalty for.

Proviso as to township and county officers.

Township clerks or their deputies to call for books and distribute same.

Township clerks or deputies to collect books belonging to state in case of vacancy in any township office.

Proviso.

bility to perform the duties as prescribed in this section, then the supervisor of the township shall perform the same: *And provided further*, That in case of vacancies or incapacities of the clerk, his deputy and the supervisor to perform such duties as prescribed above, the justice of the peace of the township whose term of office first expires shall perform these duties until such vacancy or vacancies are duly filled, or incapacity removed; and either the supervisor or justice of the peace performing such duties shall be entitled to the same compensation as the clerk if he had performed the duties.

Further
proviso.

SEC. 36. In cases of loss by fire, or in any manner whatsoever beyond his control, of a book or books by an officer, who is required to transmit them to his successor, or if the same is so worn as to become useless said officer shall make a statement setting forth all the circumstances under which the loss occurred, which statement shall be sworn and subscribed to before an officer entitled to administer oaths, and certified to by the clerk of the county under his hand and seal of the court, and forward the same to the Secretary of State, who, after examination of said affidavit, he being convinced that the facts as set forth in the affidavit are true, and that in his judgment the officer is not responsible for the loss of the book or books, is hereby empowered and authorized to replace the book or books lost as claimed, and in his discretion may send the book or books either to the county clerk or to the township clerk in whose township the loss occurred.

Loss of books
by fire, secre-
tary of state
to replace, etc.

SEC. 37. Act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State, now and hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to repeal all existing laws providing for the publication and distribution of said laws, documents or reports;" act number twenty of the session laws of eighteen hundred eighty-nine, entitled "An act to amend section one of act number two hundred sixty-three of the public acts of one thousand eight hundred seventy-nine, entitled 'An act to provide for the preparation, publication and distribution of a Legislative Manual,' approved May thirty-first, one thousand eight hundred and seventy-nine, as amended by act number seventy-nine of the public acts of one thousand eight hundred and eighty-seven;" and all other laws or parts of laws contravening or inconsistent with this act, be and the same are hereby repealed.

Acts repealed

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 45.]

AN ACT to amend sections thirteen and fourteen of act number one hundred fifty-nine of the public acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the laws for the protection of game," approved May twenty-six, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections thirteen and fourteen of act number one hundred fifty-nine of the public acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the laws for the protection of game," approved May twenty-six, eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

When grouse,
partridge, etc.,
may be killed.

SEC. 13. No person or persons shall injure, kill or destroy, by any means whatever, any ruffed grouse, sometimes called partridge or pheasant, colin or quail, sometimes called prairie pheasant, or any spruce hen, save only from the twentieth day of October to the thirtieth day of November, both inclusive, in each year: *Provided*, That in the Upper Peninsula partridge may be killed from October first to November thirtieth, both inclusive, in each year.

Proviso.

When duck,
goose, brant,
etc., may be
killed.

SEC. 14. No person or persons shall injure, kill or destroy by any means whatever, any kind of wild duck, wild goose, brant or other wild water fowl, save only from the first day of September to the thirty-first day of January, both inclusive, and then only from one-half hour before sunrise until one and one-half hours after sunset each day: *Provided, however*, That it shall be lawful to hunt and kill jack snipe, blue bill, canvas back, widgeon, pin tail, whistler, spoon bill, butter ball and saw bill ducks and wild geese, between the first day of September in each year and the first day of May next following: *And provided further*, That in the Upper Peninsula any kind of wild duck, wild goose, brant, or any other wild water fowl, may be killed from September first to January fifteenth inclusive, for each year. That it shall be unlawful to injure, kill or destroy any wild pigeon, mongolian or english pheasant, until the year nineteen hundred five, and then only from October twentieth to November thirtieth, both inclusive, of each year, or any kind of snipe, woodcock or plover, save only from the twentieth day of October to the thirtieth day of November, both inclusive, in each year.

Proviso.

Further
proviso.

Unlawful to
kill or destroy
wild pigeon.

This act is ordered to take immediate effect.

Approved April 19, 1899.

[No. 46.]

AN ACT to repeal act number two hundred eighty-six of the public acts of eighteen hundred ninety-seven, entitled "An act to permit the spearing of white fish and herring in Portage and Little Portage lakes, in the counties of Livingston and Washtenaw, in the State of Michigan, at certain seasons of the year."

The People of the State of Michigan enact:

SECTION 1. That act number two hundred eighty-six of the public acts of eighteen hundred ninety-seven, entitled "An act to permit the spearing of white fish and herring in Portage and Little Portage lakes, in the counties of Livingston and Washtenaw, in the State of Michigan, at certain seasons of the year," be and the same is hereby repealed. Act repealed.

This act is ordered to take immediate effect.
Approved April 18, 1899.

[No. 47.]

AN ACT to amend section thirty-eight of act number two hundred five of the public acts of eighteen hundred eighty-seven, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," approved June twenty-first, eighteen hundred eighty-seven, the same being compiler's section three thousand two hundred eight d seven of volume three of Howell's Annotated Statutes, and section six thousand one hundred twenty-seven of the Compiled Laws of Michigan of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section thirty-eight of act number two hundred five of the public acts of eighteen hundred eighty-seven, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section three thousand two hundred eight d seven of volume three of Howell's Annotated Statutes, and section six thousand one hundred twenty-seven of the Compiled Laws of Michigan of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Section amended.

SEC. 38. Every bank existing or hereafter incorporated under the laws of this State shall be subject to the inspection and Banks subject to inspection.

supervision of the Commissioner of the Banking Department, as provided in this act.

Assistant
examiners.

He may also employ from time to time such examiners to assist him and his deputy in the discharge of the several duties imposed upon them by this act as he shall find necessary. The salaries of the examiners shall be the sum of seventeen hundred dollars per annum.

Salaries, how
paid.

The salaries of the examiners shall be paid monthly, or quarterly, by the State Treasurer, upon a voucher countersigned by the Auditor General.

Vouchers for the examiners' salaries must be first approved by the commissioner.

Expenses, how
paid.

All traveling expenses of examiners shall be paid as is indicated in this act and provided for in the payment of expenses of commissioner, deputy and clerks.

To file bond.

Bank examiners shall file with the Commissioner of Banking a bond for ten thousand dollars, for the faithful discharge of their duties.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 48.]

AN ACT to prohibit the taking or catching of fish in that portion of Pine River which lies within the counties of Gratiot and Montcalm, in this State, by means of spears, nets, setlines or night lines, snares, artificial lights, or explosive substances, and to prohibit the taking or catching of fish in said river except by hook and line; and to provide a penalty for any violation of the provisions of this act, and to repeal all acts or parts of acts inconsistent herewith.

The People of the State of Michigan enact:

Unlawful to
catch fish in
certain waters;

SECTION 1. It shall not be lawful for any person to take or catch fish in that portion of the waters of Pine River which lies within the counties of Gratiot and Montcalm, in this State, by means of spears, fire arms, nets, trap-nets, setlines or night lines, snares, or by the use of jacks, or artificial lights of any kind, or by the use of dynamite, giant powder, gun powder, or any explosive substance or combination of substances, or by any means or in any other manner than by hook and line.

Violation of
act a misde-
meanor.

SEC. 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, shall be fined not less than ten dollars or more than one hundred dollars, and costs of prosecution, for each offense,

Penalty]

or imprisonment in the county jail of the county where said offense is committed, not to exceed ninety days, or until such fine and costs are paid, or both such fine and imprisonment in the discretion of the court.

SEC. 3. In all prosecutions under this act it shall be prima facie evidence, sufficient on the part of the people, to show that the defendant was found upon the waters of said river with either spear, net, trap-net, snare, setline or night-line, jack or artificial light of any kind, dynamite, giant powder, gun powder, or any other explosive substance or combination of substances. What prima facie evidence

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 49.]

AN ACT to amend act number twenty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to prevent the Spearing of Fish in the waters of Inland Lakes in the County of Livingston."

The People of the State of Michigan enact:

SECTION 1. That section one of act number twenty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to prevent the spearing of fish in the waters of the inland lakes in the county of Livingston," be and the same is hereby amended to read as follows: Section amended.

SECTION 1. That it shall not be lawful hereafter to fish with any form of spear or spears in the waters of the inland lakes in the township of Hamburg, in the county of Livingston, nor in that part of Whitmore Lake which lies in the township of Green Oak, in the county of Livingston. Unlawful to fish in certain waters.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 50.]

AN ACT to authorize the prosecuting attorney of Genesee county, Michigan, to appoint an assistant prosecuting attorney for said county, and prescribing his duties, powers and compensation.

The People of the State of Michigan enact:

May appoint
assistant.

SECTION 1. The prosecuting attorney for Genesee county, Michigan, may appoint an assistant prosecuting attorney for said county, for whose acts he shall be responsible, and may revoke such appointment at pleasure.

Appointment,
how to be.

SEC. 2. Such appointment, and the revocation thereof, shall be in writing, under the hand of the prosecuting attorney, and shall be filed in the office of the clerk of said county; the person so appointed, before entering upon the duties of such office, shall take the oath prescribed by the constitution of this State.

Power of.

SEC. 3. The person appointed as such prosecuting attorney shall have full power and authority to appear for and in behalf of the People of the State in all criminal and other matters, to the same extent as the prosecuting attorney of said county.

Compensation,
how deter-
mined.

SEC. 4. The said assistant prosecuting attorney shall receive such compensation as may be determined by the Board of Supervisors of said County.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 51.]

AN ACT to provide for the location, establishment and conduct of a Normal School at Marquette, in the Upper Peninsula of this State, and to make an appropriation for the same.

The People of the State of Michigan enact:

Location of
school.

SECTION 1. That a normal school shall be located at Marquette, to be known as the Northern State Normal School, for the purpose of instructing persons in the several branches pertaining to a public school education, and in the science and the art of teaching the same.

Who to procure
site.

SEC. 2. The State Board of Education is hereby authorized to procure a suitable site for the grounds and buildings for said normal school, which site shall consist of at least twenty acres of land, located within one and one-half miles of the

present location of the postoffice in said city of Marquette. Said State Board of Education shall pay for such site a sum not exceeding one dollar, which sum is hereby appropriated for the use of said State Board of Education out of any moneys in the treasury not otherwise appropriated, to be drawn on the requisition of said State Board of Education and the warrant of the Auditor General, as the moneys and appropriations are drawn. Said State Board of Education shall procure good and sufficient deed or conveyance of such site and grounds, and have the title for the same duly recorded. When so recorded, the said deed of conveyance, with an abstract of title showing a clear and unincumbered title, and all papers relating thereto shall be deposited in the office of the Auditor General.

Amount to be paid.
State board of education to secure title, etc.

Deed, where to be deposited.

SEC. 3. The sum of twenty-five thousand dollars is hereby appropriated for the erection of a suitable building for the use of said State Board of Education in the establishment of a normal school under the provisions of this act, which building shall be erected in accordance with the suggestions and requirements of the State Board of Corrections and Charities, and shall be ready for occupancy October one, eighteen hundred ninety-nine.

Appropriation for building.

When building to be completed.

SEC. 4. The sum of ten thousand dollars is hereby appropriated for the payment of the salaries and conduct of said normal school for the year eighteen hundred ninety-nine and nineteen hundred, namely: two thousand five hundred dollars for the year eighteen hundred and ninety-nine, and seven thousand five hundred dollars for the year nineteen hundred, which amounts, together with amount specified in section three of this act, shall be expended under the direction of the State Board of Education and be drawn on their order from the general fund: *Provided*, That this appropriation shall not be available unless five thousand dollars of the amount volunteered as a gift from the citizens of Marquette toward the site and beautifying the grounds be donated for the equipment of the school.

Appropriation for salaries, etc.

For 1899.

For 1900.

Proviso as to gift.

SEC. 5. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-nine the sum of twenty-seven thousand five hundred dollars, and for the year nineteen hundred the sum of seven thousand five hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by sections three and four of this act.

To be incorporated in state tax.

SEC. 6. The said Northern State Normal School shall be under and subject to the control of the State Board of Education, according to the provisions of act number one hundred ninety-four of the public acts of eighteen hundred and eighty-nine, entitled "An act to revise and consolidate the laws relative to the State Board of Education, and amendments thereto, also according to the provisions of act number one hundred

Board of education to have control of.

Laws to govern control of.

and seventy-five of the public acts of eighteen hundred and ninety-seven, entitled "An act to fix the relation of the existing normal schools of the State," which laws are made applicable to the school, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 52.]

AN ACT to change the name of the "Michigan State Normal School" to "Michigan State Normal College."

The People of the State of Michigan enact:

Name changed. SECTION 1. The institution now known and designated under the name and style of "Michigan State Normal School" shall hereafter be known as the "Michigan State Normal College."

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 53.]

AN ACT making an appropriation to cover the deficit of the State Board of Fish Commissioners June thirtieth, one thousand eight hundred and ninety-seven.

The People of the State of Michigan enact:

Appropriation. SECTION 1. That the sum of five thousand one hundred seventy-five dollars and eighteen cents be and the same is hereby appropriated from the general fund in the State Treasury, not otherwise appropriated for the purpose of reimbursing the State Board of Fish Commissioners for advances made prior to July first, one thousand eight hundred and ninety-seven, in the prosecution of its work. The amount herein appropriated shall be paid to the treasurer of the State Board of Fish Commissioners by the State Treasurer upon the warrants of the Auditor General, and the vouchers covering the expenditures under this appropriation shall be filed with the Auditor General, as required by the general accounting laws of the State.

How paid to treasurer.

SEC. 2. The Auditor General shall add to, and incorporate with, the State tax for the year one thousand eight hundred and ninety-nine the sum of five thousand one hundred seventy-five dollars and eighteen cents, which shall be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be paid into the State Treasury to reimburse the same for the amounts to be drawn, as provided in section one of this act.

This act is ordered to take immediate effect.

Approved April 28, 1899.

To be incorporated in state tax.

[No. 54.]

AN ACT to provide for the Incorporation of Baptist Churches.

The People of the State of Michigan enact:

SECTION 1. That whenever a Baptist church shall desire to possess corporate powers and privileges, the members thereof present at any regular church or covenant meeting duly called as hereinafter provided, may by the vote of a majority of the members of such church then present, adopt articles of incorporation in accordance with the provisions of this act, and may thereupon proceed under the provisions of this act to elect the deacons or other persons whom the church may desire to act as its trustees, in number not less than three nor more than nine, and it shall then be the duty of the deacons or other persons so elected as trustees for said church, to proceed to execute and acknowledge before any person authorized to take acknowledgment of deeds, a certificate which shall contain:

How may incorporate.

Election of officers.

First, The corporate name of the church;

Second, The township, city or village and county in which the church is located;

Certificate of organization; what shall contain.

Third, The period for which the church is incorporated, which shall not exceed thirty years.

Fourth, A copy of the records of the vote or resolution of the church authorizing the preparation of the articles of association, as well as a like copy of the vote or resolutions of the church accepting or adopting such articles;

Fifth, A copy of the articles of association so adopted.

Such certificate shall be signed by the aforementioned deacons or trustees, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein, and thereupon the deacons or trustees elected as herein provided, and their successors, together with the members of said church, shall become a corporation known by the name expressed in said certificate.

Deacons or trustees to sign and acknowledge.

Qualifications
of officers; how
elected.

SEC. 2. The deacons or other persons who shall serve the church as trustees under this act shall be citizens of the United States, twenty-one years of age or over when elected to office and shall be elected by ballot in accordance with the usage and custom of said church, or in such manner as may be provided in their articles of association.

Term of office.

SEC. 3. The deacons or other persons who may be elected as trustees shall hold their office for such length of time, and upon such conditions as the church may designate in their articles of association.

Trustees to
have control.

Proceedings to
buy or sell real
estate.

SEC. 4. The trustees shall be subject, in all their official duties, to the control and direction of the church, and in case the church shall desire to buy, sell or lease real estate, then a notice declaring such desire and intention, which shall designate the property to be bought, sold or leased, shall be read at the regular church or covenant meeting next preceding the regular meeting, at which final action shall be taken authorizing such purchase, sale or lease; and after such authority shall have been so granted by the church, the trustees shall have full power to purchase, sell or lease such real estate upon such terms and conditions as shall not be inconsistent with the instructions given by the church.

Corporate seal.

Custodians of
property.

SEC. 5. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, or to any person or persons for their use.

Corporate
powers.

Right to hold
land in
perpetuity.

Further rights
as to lands.

When may
revert to
donors.

SEC. 6. Such trustees may also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges, all churches, buildings, burying places, and all the estate and appurtenances belonging to such church, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully as if the right and title thereto had been originally vested in said trustees. And they may hold in perpetuity so much land not exceeding twenty acres, as may be needed for church buildings and yards, burial grounds and pastor's residence. And they may hold for a period not exceeding three years, any land which may be lawfully conveyed to them, or to the church for which they are trustees, not exceeding thirty thousand dollars in value, to be sold for the purpose of raising a fund for erecting, repairing or improving a church or churches, or other buildings aforesaid, or for the purchase or improvement of any cemetery or burial ground. But all such lands shall revert to the donor, or grantor, his or her heirs or assigns, if not disposed of within the time aforesaid, unless the same shall, during such time, be appropriated and used as a part of the church, burial or

parsonage grounds, of such organization as hereinbefore provided.

SEC. 7. If it shall happen that any church organized under the provisions of this act shall, from any cause, be found at any time without trustees, such church shall not for that cause lose its corporate existence, but such church may at any time proceed to elect trustees, as provided in this act: *Provided*, That whenever any corporation organized under the provisions of this act shall be dissolved by the death of all its members, or by the loss of so many of them that it is thereby rendered unable to do any corporate act or to restore itself by proceeding to elect trustees, as provided in this act, the Baptist convention of the State of Michigan, a corporation organized and existing under an act of the legislature of the State of Michigan, entitled "An act to incorporate the Baptist convention of the State of Michigan," approved February sixteenth, A. D. one thousand eight hundred and forty-two, and the statutes amendatory thereto, shall be held and deemed to be the legal successor of such corporation and shall succeed to, and be vested with, all property rights which were in such corporation at the time it was dissolved.

Not to lose corporate existence.

Proviso.

When Baptist convention deemed legal successor.

SEC. 8. Any Baptist church or any Baptist church and society incorporated or organized under the laws of this State, may elect to dissolve their existing corporation and take corporate powers under this act: *Provided*, The consent of the majority of the members of said church or church and society who may be present at such meeting can be obtained at any regular church or covenant meeting of the church: *Provided* also, That notice shall be given to said church or church and society to meet with the church at its regular church or covenant meeting for the purpose of dissolving said corporation with a view of organizing under the provisions of this act, said notice to be given on the last two Sundays preceding the day on which the act of dissolution shall be taken.

What churches and societies may come under this act.

Proviso.

Proviso.

SEC. 9. If such consent for dissolving such corporation for the purposes as above mentioned shall be so obtained, then a certificate containing an account of such dissolution shall be executed and acknowledged by the presiding officer and secretary of said meeting, and be recorded in the office of the county clerk of the county where the original certificate of incorporation was recorded, and on compliance with the provisions of this act all the property, powers, privileges, duties, trusts and obligations of every kind possessed by or pertaining to the original corporation thus dissolved shall pass to and be possessed by the new organization.

Certificate of dissolution to be recorded in county clerk's office.

New organization to be lawful successor.

SEC. 10. At any time after such church shall have become duly organized under this act, it shall be lawful for any such church, at any regular meeting thereof, of which proper notice shall have been given, as hereinafter provided, by a vote of two-thirds of the members present at such meeting, to amend its articles of association in any manner not inconsistent with

How may amend articles of association.

the provisions of this act, and such amendments shall become operative on filing a copy of the same, certified by the moderator or chairman and clerk of such meeting, and duly acknowledged by an officer authorized to take acknowledgment of deeds, with the clerk of the county in which such church is organized.

Idem.

SEC. 11. Whenever it shall be purposed to alter or amend the articles of association of any church organized under this act, such alteration or amendment shall not be adopted until the expiration of at least three weeks from the day of the meeting on which the same shall have been first introduced before the church, and such proposed alteration or amendment shall be reduced to writing, when it shall be introduced, and shall not be amended on the same day on which it shall be adopted.

Acts inconsistent with this act, how construed.

SEC. 12. In all cases which may arise in any of the courts of this State in connection with any church which may be incorporated under this act, and in all suits in law or equity to which any such church may be a party, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such a manner as to give full force to all the rights and privileges hereby granted or intended to be granted.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 55.]

AN ACT to amend section three of chapter eleven of act number two hundred forty-three of the session laws of eighteen hundred eighty-one, as amended by act one hundred thirty-two of the session laws of eighteen hundred eighty-nine, entitled "An act to revise and consolidate the laws relating to the establishing, opening, improvement and maintenance of Highways and Private Roads, and the building, repairing and preservation of Bridges within this State," approved June eight, eighteen hundred eighty-one.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section three of chapter eleven of act number two hundred forty-three of the session laws of eighteen hundred eighty-one, as amended by act one hundred thirty-two of the session laws of eighteen hundred eighty-nine, entitled "An act to revise and consolidate the laws relating to the establishing, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eight, eighteen hundred eighty-one, the same being compiler's section fourteen hundred fourteen of volume three of Howell's Annotated Stat-

utes, and being section forty-one hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

SEC. 3. In all cases involving an expenditure of an amount over fifty dollars, in the repairing or construction of roads or bridges, in any township of this State, the commissioner shall submit the proposed expenditure to the township board, and upon the approval of the said board said commissioner shall advertise for sealed proposals for the doing of such work and the making of such repairs, and together with the township clerk, subject to approval of the township board, shall contract with the lowest bidder giving good and sufficient security for the performance of the work: *Provided*, That in case it shall appear to the commissioner and board acting together, in such manner that it seems to them clearly shown, that there has been collusion among the bidders, that they may contract privately with any one of the bidders or with some one who was not a bidder, but at a price not to exceed that of the lowest bidder. The contract so made shall be approved in writing by the supervisor in order to be valid as against the township. Not less than ten days notice shall be given by the commissioner of the time and place of letting such contract by putting up notices in at least five of the most public places in his township. Upon performance of the work by the contractor, if approved and accepted by the commissioner and supervisor, there shall be drawn and signed by such commissioner, and countersigned by the township clerk, orders upon the township treasurer for the amount of said contract.

When expense submitted to board.

Contracts, how let.

Proviso.

Who to approve.

Notice of letting contract.

Contractors, how paid.

SEC. 2. All acts and parts of acts in anywise contravening any of the provisions of this act are hereby repealed.

Acts repealed.

This act was ordered to take immediate effect.

Approved May 2, 1899.

[No. 56.]

AN ACT to provide a salary for the Circuit Court Commissioners of Bay County.

The People of the State of Michigan enact:

SECTION 1. That the board of supervisors of the county of Bay shall provide a docket for each of the circuit court commissioners of said county, and also all necessary books, blanks and stationery for the use of said commissioners.

Who to provide books, etc.

SEC. 2. Each of said commissioners shall be entitled to receive from the treasury of the county of Bay an annual salary of one thousand dollars, payable monthly, on the order of the county clerk of said county. Each of said commissioners shall

Salary, how paid.

Office, when open.

have his office open and be in attendance to the duties of his office during the business hours of each day, except on all legal holidays.

Record to be kept, open for inspection.

SEC. 3. It shall be the duty of each of said commissioners to keep a true record of all business done by each of them, and to enter all judgments and orders made by them in said dockets, which dockets and all other books and files are hereby declared to be public property and to be open for inspection during the before mentioned office hours by any person, but no person shall be permitted to remove any of the said records from the office of such commissioner. The said commissioners shall receive all costs and dues of every description which are provided by law in all proceedings before them, and shall pay the same monthly to the treasurer of the county and take his receipt therefor: *Provided*, That for the taking of testimony in all cases referred to such circuit court commissioners or by law required to be taken by them, no fees shall be charged except the actual cost of stenographic work and transcribing, not to exceed ten cents per folio, which amount shall be paid to the commissioner for the testimony so taken.

Proviso.

Fees required in action for recovery of lands.

SEC. 4. Before any action or proceeding for the recovery of lands or buildings shall be commenced before either of said commissioners there shall be paid to him by the party bringing the same the sum of one and fifty one-hundredths dollars, and before the hearing of any such action or proceeding shall be commenced the further sum of two and fifty one-hundredths dollars, and any person demanding a jury shall advance the fees therefor and the same shall be disposed of as is now provided by law in justice's courts; and before any affidavit or appeal or writ of certiorari shall be served on either of said commissioners, in addition to the costs now provided by law for making return to appeals or certiorari, the further sum of five dollars shall be paid to said commissioner by the appellant or plaintiff in error, and said commissioner shall pay the entry fee in the circuit court and at the same time file therein the return to the appeal or certiorari, as the case may be. The moneys so paid shall be for the use of the said county, and shall be held in full of all fees now allowed by law to said commissioners from the commencement of such proceeding to and including the issuing of such final process as may be necessary to give effect to an order or judgment of such commissioner. The sum or sums so paid, including jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the action, in addition to any other to which he may be entitled by law. Any cause or proceeding pending before either of said commissioners in said county at the time this act goes into operation shall be heard and disposed of according to the law and practice now in force.

Jury fees.

Fees, how taxed.

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 57.]

AN ACT to provide for the Protection of the Health, Lives and Interests of the Coal Miners of Michigan, and to provide for the Inspection of all Coal Mines in this State.

The People of the State of Michigan enact:

SECTION 1. That an inspector of coal mines shall be appointed by the Commissioner of Labor, whose duties shall be to inspect the coal mines of Michigan, and from time to time report the results of his inspections with such other labor statistics as he shall be directed to collect, to the Commissioner of Labor, upon such blanks and in such manner as the latter named official shall designate, and the results and findings of said coal mine inspections shall be incorporated in the regular annual report of said Commissioner of Labor. Said inspector shall receive in compensation for his services, three dollars per day and his necessary expenses of travel while employed and under instructions, it being further provided that the expenses and salary of said inspector shall not exceed fifteen hundred dollars per year. And to provide for this expense an annual appropriation of fifteen hundred dollars is hereby authorized, and the same shall be placed with the regular appropriation of the labor bureau fund, to be expended by the Commissioner of Labor for the purposes heretofore provided, and as he shall authorize and direct. Inspector, who to appoint.
Duties
Compensation.
Limit of expense.
Appropriation for expense, how expended

SEC. 2. That an escape shaft not less than eight feet square, shall be provided in all coal mines in this State, for the safety of employes, and that said escape shaft shall be provided with suitable means of escape and egress, and shall be located at least three hundred feet and not to exceed four hundred feet from the main shaft, unless extenuating circumstances require that it be located differently than described, then the distance shall only be extended five hundred feet and at a point to be determined within the discretion of the inspector. This section not to apply to mines already provided with suitable escape shafts, but all others shall be provided with said escape shafts within three months after the main shaft is completed and ready for operation. Escape shaft, how and where located.
Section not to apply to certain mines.

SEC. 3. That only a competent and trustworthy engineer shall be permitted to operate the cages and hoisting devices in all coal mines of this State. Who to operate cages, etc.

Regulations as to cages, number allowed to ride, etc. SEC. 4. That safety catches and covers shall be on all cages; that no more than ten men be allowed to ride upon a cage at the same time, and no one be allowed on one cage while a loaded car is on the other cage; that suitable gates shall enclose the top of all shafts, which shall be kept closed, except when absolutely necessary to have them open.

Weighmen to be sworn. SEC. 5. That all weighmen, who shall perform the duty of weighing the coal, shall be sworn by some one competent to administer a legal oath, that they will perform their duty accurately and impartially as between employers and employes, and that they will honestly report and record all weights of coal to which they are entrusted.

Check weighman, who may name. SEC. 6. That the coal mine employes shall have the right to name a competent and fair check weighman, who shall be paid by the employes, and shall be sworn by any one authorized to administer oaths.

Certain timber to be kept on hand. SEC. 7. That the owner, agent or operator of any and all mines shall keep a supply of timber constantly on hand, of sufficient length and dimensions to be used as props and cap pieces, and the same shall be delivered to the miner at his respective place of work, of such dimensions as he shall designate.

Fresh air to be supplied. SEC. 8. Every mine owner or agent operating a coal mine shall furnish means and devices that will supply a sufficient amount of fresh air when necessary, or when required by said inspector of mines.

Power of inspector. SEC. 9. The inspector, when properly commissioned by the Commissioner of Labor, shall have the right and power to enter any coal mine for the purpose of inspecting or collecting statistics relating to hours of labor, wages, industrial, economic and sanitary questions or matters, scales and oils.

Violation of act a misdemeanor. SEC. 10. Any owner, part owner, operator, manager, or superintendent of any such mine, or director or officer of any stock company owning or operating any such mine, who shall knowingly and wilfully violate any of the provisions of this act, or omit to comply with any of its said provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 58.]

AN ACT to prohibit the Shooting of Wild Fowl in Black River Lake and Black River, in the County of Ottawa and State of Michigan, by persons on board of any Floating Device which employs as Motive Power Steam, Gas, Naphtha, Oil or Electricity.

The People of the State of Michigan enact:

SECTION 1. That no person shall hunt, pursue, worry or kill wild fowl in Black River lake and Black river, in the county of Ottawa and State of Michigan, by means of firearms or otherwise, during such time as said person is upon or within any floating device or contrivance propelled by, or using as motive power, steam, gas, naphtha, oil or electricity. Shooting of wild fowl prohibited in certain waters.

SEC. 2. Any person violating any of the provisions of this act shall, for each and every offense, upon conviction thereof, be punished by a fine of not exceeding one hundred dollars, or in default thereof, by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court. Penalty for violation.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 59.]

AN ACT to amend section one of act number ninety-six of the public acts of the year one thousand eight hundred and eighty-nine of the public acts of the State of Michigan, entitled "An act to provide for the compensation of the Coroners of Wayne County," the same being Compiler's section nine thousand eighteen a of volume three of Howell's Annotated Statutes.

The People of the State of Michigan enact:

SECTION 1. That section number one of act number ninety-six of the public acts of the State of Michigan for the year one thousand eight hundred and eighty-nine, the same being compiler's section nine thousand eighteen a of volume three of Howell's annotated statutes, be amended so as to read as Section amended.

That the coroners of the county of Wayne shall be compensated for the services rendered to the county of Wayne by an annual sum, payable from the county treasury on the warrant of the board of Compensation of coroners.

This act is ordered to take immediate effect.

[No. 60.]

AN ACT to amend section one of act one hundred forty-two of the public acts of eighteen hundred eighty-nine, entitled "An act to provide for the reorganization of corporations for mining, smelting and manufacturing iron, copper, silver, mineral coal and other ores or minerals, the term of existence of which has heretofore expired, or may hereafter expire by limitation, and to fix the duties and liabilities of such renewed corporations," being section seven thousand thirty-five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section one of act one hundred forty-two of the public acts of eighteen hundred eighty-nine, entitled "An act to provide for the reorganization of corporations for mining, smelting and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, the term of existence of which has heretofore expired or may hereafter expire by limitation, and to fix the duties and liabilities of such renewed corporations," being section seven thousand thirty-five of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Corporate existence, how continued.

SECTION 1. That it shall be lawful for any corporation heretofore or hereafter organized under the general laws of this State for mining, smelting or manufacturing purposes, whose corporate term has expired, or shall expire by limitation, at a special meeting of its stockholders called for that purpose, by a vote of at least four-fifths of its capital stock, to direct the continuance of its corporate existence for such further term, not exceeding thirty years from the expiration of its former term, as may be expressed in a resolution for that purpose. Such meeting may be called in accordance with the by-laws of the corporation, and the laws of this State applicable to the same class of corporations whose term has not expired, by order of the directors *de facto* of the corporation. Upon the adoption of such resolution by a vote, in person or by proxy duly filed, of four-fifths of the capital stock, it shall be the duty of the president and secretary of the stockholders' meeting to make, sign and acknowledge duplicate articles of association, as in the case of a new corporation, to which shall be appended a copy of the proceedings of such stockholders' meeting, certified by the secretary and verified by his oath, which articles of association shall be filed with the Secretary of State and with the county clerk of the county where the corporation carries on its business, and be by both recorded in their respective offices, at the expense of such corporation; the copies so filed and the record thereof, or a certified copy of either of such records, shall be *prima facie* evidence of the facts therein recited; but said articles of association need not set forth in the case of cor-

Meeting, how called.

Duty of president and secretary.

Articles of association, what not to set orth.

porations existing under the provisions of act number one hundred thirteen of the public acts of eighteen hundred seventy-seven, entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting and manufacturing iron, copper, silver, mineral coal and other ores or minerals, and to fix the duties and liabilities of such corporations," being sections six thousand nine hundred ninety-one to seven thousand thirty-four inclusive, of the compiled laws of eighteen hundred ninety-seven, the cash value of property conveyed to the corporation contemporaneously with its reorganization, nor the names of the directors for the first year: *Provided*, Proviso. That this act shall not be applicable to any corporation whose business has been or may be wound up and property sold pursuant to the voluntary action of the stockholders or of any court of competent jurisdiction, or where proceedings have been commenced at the date of the approval of this act to wind up any corporation under the provisions of act thirty-nine, of the public acts of eighteen hundred ninety-five.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 61.]

AN ACT to amend section one of act number seventy-nine of the public acts of eighteen hundred ninety-five, entitled "An act to protect vineyards, orchards and gardens, and to repeal act number one hundred thirty-one, public acts of eighteen hundred sixty-nine, entitled 'An act to protect vineyards in the State of Michigan,' being section nine thousand one hundred ninety-five of Howell's Annotated Statutes," being section eleven thousand six hundred forty-five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number seventy-nine of the public acts of eighteen hundred ninety-five, entitled "An act to protect vineyards, orchards and gardens, and to repeal act number one hundred thirty-one, public acts of eighteen hundred sixty-nine, entitled 'An act to protect vineyards in the State of Michigan,' being section nine thousand one hundred and ninety-five of Howell's Annotated Statutes," being section eleven thousand six hundred forty-five of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Section amended.

SECTION 1. That any person who shall enter a vineyard, orchard or garden, without the consent of the owner, and pick, take, carry away, destroy or injure any of the fruits, vegeta- Penalty for entering vineyard, orchard or garden.

bles or crops therein, or in anywise injure or destroy any bush, tree, vine or plant, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than three months, or by fine not less than one nor more than one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 62.]

AN ACT to amend section eleven of act number one hundred fifty-two of the session laws of one thousand eight hundred eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," approved June five, one thousand eight hundred eighty-five, being compiler's section, number one thousand nine hundred eighty-four k of Howell's Annotated Statutes of Michigan, as amended by act number forty-four of the session laws of one thousand eight hundred ninety-one, approved April twenty-nine, one thousand eight hundred ninety-one.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section eleven of act number one hundred fifty-two of the session laws of one thousand eight hundred eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," approved June five, one thousand eight hundred eighty-five, being compiler's section, number one thousand nine hundred eighty-four k of Howell's Annotated Statutes of Michigan, as amended by act number forty-four of the session laws of one thousand eight hundred ninety-one, approved April twenty-nine, one thousand eight hundred ninety-one, be, and the same is hereby amended so as to read as follows:

Who entitled
to admission to
home.

SEC. 11. All honorably discharged soldiers, sailors and marines, who have served in the army or navy of the United States in the late war of the rebellion, or in the Mexican war, or in the late war with Spain, and who are disabled by disease, wounds or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said home, subject to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said home: *Provided*, That no applicant shall be admitted to said home who has not been a resi-

Proviso.

dent of the State of Michigan for one year next preceding the passage of this act, unless he served in a Michigan regiment, or was accredited to the State of Michigan.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 63.]

AN ACT to amend section twenty-two, of act number one hundred sixty-one, of the Public Acts of eighteen hundred eighty-five, as amended by act number two hundred eighty-seven, of the Public Acts of eighteen hundred eighty-seven, entitled "An act to establish a Police Court in the City of Detroit," approved June twenty-eight, eighteen hundred eighty-seven, being compiler's section six thousand five hundred ninety-one g nine.

The People of the State of Michigan enact:

SECTION 1. That section twenty-two of act number one hundred sixty-one of the public acts of eighteen hundred eighty-five as amended by act number two hundred eighty-seven of the public acts of eight hundred eighty-seven, be and the same is amended so as to read as follows:

SEC. 22. Juries in the police court shall be judges of the law and the facts. They shall be composed of six persons, who shall severally possess the lawful qualifications of jurors in the recorder's court of the city of Detroit, and any challenge which would be valid if made in the recorder's court shall be valid and sufficient if made in the police court: *Provided however,* That but two peremptory challenges shall be allowed to the people and a like number to the accused in all trials in the police court. The board of jury commissioners, as created by act number one hundred sixty of the session laws of eighteen hundred and eighty-one shall annually, or whenever required by the senior police justice in accordance with the method provided by that act select persons to serve as jurors for the trial cases, matters and proceedings in the police court, and shall file a list of the persons so selected with the clerk of the police court, the number to be selected on the Third Monday in May of each year, as provided by said act, shall be five hundred. After the filing of such list the proceedings for selecting, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as is provided by law for like purposes in the recorder's court, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than

Section amended.

Juries, judges of the law.

Qualifications, challenge, etc.

Proviso.

Selection.

List of jurors, where filed.

Number to be selected.

Term for which drawn.

vate roads, and the building, repairing and preservation of bridges within this State," the same being sections four thousand one hundred forty-eight, four thousand one hundred forty-nine, four thousand one hundred fifty and four thousand one hundred fifty-one of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Temporary
highway; how
laid out.

Proviso.

Idem.

Proviso as to
logging
railroad.

Consent of
owner, etc.

To be private
highways.

Damages, to
whom paid.

SEC. 7. Whenever any five resident owners of any pine or timber lands shall wish to have a temporary highway laid out, they may, by writing under their hands, make application to the commissioner of highways of the proper township for that purpose, who shall proceed to lay out such temporary highway in all respects as provided by law in relation to laying out public highways, except as hereinafter provided: *Provided*, That no such temporary highway shall be laid out or established running parallel with a public highway less than one mile distant from such public highway.

SEC. 8. When any such application shall be made, the commissioner of highways of the township in which such road is to be located shall immediately certify the same to the township board of said township, and the highway commissioner and such township board shall at once proceed to view the premises described, and if the said highway commissioner and the township board shall unanimously determine that said highway is necessary for the purpose of removing the saw-logs, timber or lumber from any pine or other timbered lands, they shall certify the same under their hands and at the same time shall fix and determine the length of time that such highway will be necessary, and shall state such time in the record, and at the expiration of said time such highway shall cease: *Provided*, That no logging railroad shall be laid out or established in, upon or along any such temporary highways.

SEC. 9. No such highway shall be laid out along and upon, and so as to occupy, any road made or caused to be made by the owner of any land, or by any person with the consent of such owner, and used by the person or persons who made the same, unless such owner shall consent thereto in writing. If the owner of the land across which any such highway is desired shall appear before the commissioner at the time and place of hearing, and shall designate a route for such highway which shall be, in the opinion of such commissioner, reasonably direct and practicable for the purpose desired by such applicants, it shall be the duty of the commissioner, in case he and the township board determine such highway to be necessary, to lay the same out upon the route designated by such owner.

SEC. 10. Such temporary highways shall be private highways, and all the expenses of their laying out, which expense shall include the compensation due the township board and highway commissioner for such service, and all damages that may be awarded on account of the taking of lands therefor, shall be paid to the commissioner by the persons applying for

(4844) SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act, the Auditor General shall, upon the certificate of the superintendent that he has made arrangements for holding such institute and that the county institute fund is insufficient to meet the expenses thereof, draw his warrant upon the State Treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed one hundred dollars for each institute, and shall be paid out of the general fund.

May draw on
State Treas-
urer.

(4845) SEC. 7. The superintendent is authorized to hold, once in each year, an institute for the State at large, to be denominated a State Institute, and for the purpose of defraying the necessary expenses of such institute, the Auditor General shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the State Treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars and shall be paid out of the general fund: *Provided*, That not more than three thousand dollars shall be drawn from the treasury or any greater liability incurred in any one year to meet the provisions of this act.

Yearly State
institute.

Auditor to
draw warrant
for expense.

Proviso as to
expense
incurred.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 65.]

AN ACT to amend sections seven, eight, nine and ten of chapter eight of act number two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," the same being sections four thousand one hundred forty-eight, four thousand one hundred forty-nine, four thousand one hundred fifty and four thousand one thousand fifty-one of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections seven, eight, nine and ten of chapter eight of act number two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and pri-

Sections
amended.

vate roads, and the building, repairing and preservation of bridges within this State," the same being sections four thousand one hundred forty-eight, four thousand one hundred forty-nine, four thousand one hundred fifty and four thousand one hundred fifty-one of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Temporary
highway: how
laid out.

SEC. 7. Whenever any five resident owners of any pine or timber lands shall wish to have a temporary highway laid out, they may, by writing under their hands, make application to the commissioner of highways of the proper township for that purpose, who shall proceed to lay out such temporary highway in all respects as provided by law in relation to laying out public highways, except as hereinafter provided: *Provided*, That no such temporary highway shall be laid out or established running parallel with a public highway less than one mile distant from such public highway.

Proviso.

Idem.

SEC. 8. When any such application shall be made, the commissioner of highways of the township in which such road is to be located shall immediately certify the same to the township board of said township, and the highway commissioner and such township board shall at once proceed to view the premises described, and if the said highway commissioner and the township board shall unanimously determine that said highway is necessary for the purpose of removing the saw-logs, timber or lumber from any pine or other timbered lands, they shall certify the same under their hands and at the same time shall fix and determine the length of time that such highway will be necessary, and shall state such time in the record, and at the expiration of said time such highway shall cease: *Provided*, That no logging railroad shall be laid out or established in, upon or along any such temporary highways.

Proviso as to
logging
railroad.

Consent of
owner, etc.

SEC. 9. No such highway shall be laid out along and upon, and so as to occupy, any road made or caused to be made by the owner of any land, or by any person with the consent of such owner, and used by the person or persons who made the same, unless such owner shall consent thereto in writing. If the owner of the land across which any such highway is desired shall appear before the commissioner at the time and place of hearing, and shall designate a route for such highway which shall be, in the opinion of such commissioner, reasonably direct and practicable for the purpose desired by such applicants, it shall be the duty of the commissioner, in case he and the township board determine such highway to be necessary, to lay the same out upon the route designated by such owner.

To be private
highways.

SEC. 10. Such temporary highways shall be private highways, and all the expenses of their laying out, which expense shall include the compensation due the township board and highway commissioner for such service, and all damages that may be awarded on account of the taking of lands therefor, shall be paid to the commissioner by the persons applying for

Damages, to
whom paid.

the same, and upon such payment they may enter upon, open and work such highways at their own and sole expense, but no trees shall be cut therein except as shall be necessary to make a track or tracks.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 66.]

AN ACT to amend sections number one and three of act number two hundred and eighty of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to protect the Owners and Keepers of Stallions," approved June twenty-eight, eighteen hundred eighty-seven, being sections one thousand six hundred twenty-one a and one thousand six hundred twenty-one c of Howell's Annotated Statutes and being sections ten thousand seven hundred eighty-four and ten thousand seven hundred eighty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections number one and three of act number two hundred and eighty of the public acts of eighteen hundred and eighty-seven, approved June twenty-eight, eighteen hundred eighty-seven, being sections one thousand six hundred twenty-one a and one thousand six hundred twenty-one c of Howell's Annotated Statutes, and being compiler's sections ten thousand seven hundred eighty-four and ten thousand seven hundred eighty-six of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Sections amended.

SECTION 1. That the owner or keeper of a stallion shall, after the mare is known to be with foal, have a lien upon the get of such stallion for the period of six months after the birth of such foal for the payment of the services of such stallion. Owner of stallion to have a lien.

SEC. 3. The owner or keeper of a stallion, in order to obtain and perfect such lien shall, at any time after the mare is known to be with foal and within the period included between the rendition of such services by any stallion and the time when a colt is foaled, file with the township clerk in the township wherein such dam is owned or kept, the agreement or a true copy of the agreement entered into by the owner or keeper of the dam for such service, together with such description of the dam as to age, color, or other marks as the person filing such agreement is able to give. How lien perfected.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 67.]

AN ACT to amend section one of act one hundred and eighty-seven, approved June seventeenth, eighteen hundred and eighty-seven, entitled "An act to revise the laws providing for the Incorporation of Co-operative and Mutual Benefit Associations, and to define the powers and duties, and regulate the transaction of the business of all such Corporations and Associations doing business within this State."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number one hundred and eighty-seven of the session laws of eighteen hundred and eighty-seven, approved June seventeenth, eighteen hundred and eighty-seven, entitled "An act to revise the laws providing for the incorporation of co-operative and mutual benefit associations, and to define the powers and duties, and regulate the transaction of the business of all such corporations and associations doing business within this State," be and the same is hereby amended so as to read as follows:

Number
who may
incorporate.

SECTION 1. That any number of persons, not less than seven, who shall be citizens of this State, desiring to become a body corporate for the purpose of carrying on, upon the assessment or co-operative plan, the business either of insuring the lives of members or of providing to members indemnity for disability or death by accident, may, by complying with the provisions hereof, become, with those that may hereafter be associated with them, or their successors, a body corporate and politic. If the insurance is to accrue through the death of the insured person, the contract shall be of life insurance; if through the accidental death only, or the physical disability from accident to the insured, it shall be casualty insurance:

Proviso as to
funeral benefit.

Provided, That no corporation shall be organized hereunder for both of such purposes, except that any company organized as a casualty or sick benefit insurance company, association or society under this act may include in any policy issued by such company a funeral benefit not exceeding one hundred dollars upon death from any cause.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 68.]

AN ACT to amend act number one hundred and forty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to authorize the use of condemned State arms by the organizations known as the 'Sons of Veterans,'" approved June fifth, eighteen hundred eighty-five, being sections four hundred eleven a and four hundred eleven b of Howell's Annotated Statutes.

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred and forty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to authorize the use of condemned State arms by the organizations known as the 'Sons of Veterans,'" be and the same is hereby amended so as to read as follows, to wit:

SECTION 1. The Quartermaster General of this State is hereby authorized to furnish to each organized camp of Sons of Veterans within this State not to exceed twenty of the condemned muskets belonging to the State. Said muskets to be held by such camp until disbanded, and upon disbanding they shall be returned to the State.

Section amended.

Condemned muskets to be furnished Sons of Veterans.

To be returned to State.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 69.]

AN ACT to amend section forty of chapter ninety-one of the Revised Statutes of eighteen hundred forty-six, entitled "Of the Probate Courts," being section six hundred eighty-four of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section forty of chapter ninety-one of the revised statutes of eighteen hundred forty-six, entitled "Of the Probate Courts," being section six hundred eighty-four of the compiled laws of eighteen hundred ninety-seven be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 40. There shall be a probate court held in each county on the first Monday of each month, and on such other days as the judge of probate shall appoint, and in case any matter shall not be heard at the time appointed for hearing same, such matter shall stand continued until the next stated term of said court unless the court shall otherwise order; and the court may adjourn such hearing in absence of petitioner, or

When probate courts shall be held.

When court may adjourn hearing.

Proviso as to
time allowed
guardian, etc.,
to qualify.

otherwise in his discretion: *Provided*, In case an executor, administrator, guardian or trustees shall be appointed at any such hearing such appointee shall have twenty days thereafter, or such other and further time as the court may order, in which to qualify; and unless otherwise ordered said matter shall stand continued till the next stated term of said court, after the lapse of such period, and in case of failure to qualify such other appointment may thereupon be made as the court may order.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 70.]

AN ACT to amend act number fifty of the Public Acts of the year one thousand eight hundred and ninety-seven, being an act entitled "An Act to allow the Spearing of Fish."

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number fifty of the public acts of the year one thousand eight hundred and ninety-seven, being an act, entitled "An Act to allow the Spearing of Fish," be and the same is hereby amended so as to read as follows:

When lawful
to spear fish.

SECTION 1. That it shall hereafter be lawful in the months of December, January, February and March in each year to take, catch or kill through the ice by the use of a spear, any and all kinds of fish, except brook trout, rainbow trout, German or brown trout, grayling, land-locked salmon and black bass in any or all of the inland lakes and streams of this State, including Lake St. Clair and that part of the St. Clair river below the village of Algonac, in St. Clair county, the channels through which said river empties into Lake St. Clair, and other channels and bayous comprising the waters of said lake: *Provided*, That all waters, lakes and streams in this State, except Maple river, which are now protected from spearing by any local act of the Legislature of this State, shall be exempt from the provisions of this act.

Certain fish
excepted.

Where spearing
allowed.

Proviso as to
waters exempt.

Repealing
clause.

SEC. 2. All acts or parts of acts in any way contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 71.]

AN ACT for the Protection of Fish in the Waters of Round Lake, located in the Townships of Liberty and Hanover, in the County of Jackson.

The People of the State of Michigan enact:

SECTION 1. It shall be unlawful for any person or persons to take, catch, or attempt to take or catch, any black bass, or have found in their possession any black bass under the length of nine inches. Any person who shall catch any black bass in said lake, under nine inches of length, shall return the same to the water without injury to such undersized fish.

Unlawful to catch bass under nine inches in length.

SEC. 2. It shall be unlawful for any person or persons to take, catch or attempt to take or catch, any Fingerling lake trout, for the period of five years from the date of this act, or to have any of the same found in their possession.

Certain trout protected for five years.

SEC. 3. It shall be unlawful for any person or persons to attempt to take or catch fish in the waters of said Round lake, by means of spears, at any time; but it shall be lawful to fish through the ice with set lines.

Spearing prohibited.

How may use set lines.

SEC. 4. Any person offending against the provisions of this act shall, on conviction, be fined not less than ten nor more than fifty dollars for each and every offense.

Penalty for violation.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 72.]

AN ACT to regulate the width of Bridges, Culverts and all artificial Roadways over Water-Courses in this State.

The People of the State of Michigan enact:

SECTION 1. That there shall be no bridge, culvert or artificial roadway of any kind constructed in any public highway of this State, over any water-course thereof having a roadway of less than sixteen feet in width.

Lawful width.

SEC. 2. This act shall not annul contracts for the construction of roadways mentioned herein made prior to the passage thereof.

Not to annul certain contracts.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 73.]

AN ACT to amend section eight of act one hundred thirty-six of the Public Acts of eighteen hundred sixty-nine, being an act entitled "An act relative to the organization and powers of Fire and Marine Insurance Companies transacting business within this State," approved April third, eighteen hundred sixty-nine, the same being section seven thousand two hundred thirty-one of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section eight of act number one hundred thirty-six of the Public Acts of eighteen hundred sixty-nine, being an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April third, eighteen hundred sixty-nine, the same being section seven thousand two hundred thirty-one of the Compiled Laws of eighteen hundred ninety-seven, be amended so as to read as follows:

Capital and
funds may be
invested in
bonds, mort-
gages, etc.

SEC. 8. It shall be lawful for any fire insurance company organized under this act, or incorporated under any law of this State, to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on encumbered improved real estate within the State of Michigan, worth double the sum loaned thereon, exclusive of buildings, unless such buildings be insured, and the policies endorsed with the loss clause "payable to the mortgagee, as the mortgage interest may appear;" and also in the bonds of this State, or bonds or treasury notes of the United States; and also in the bonds of any county, municipality or school district in this State, authorized to be issued by law; or in the public debt or bonds of any state or city, county, township, village or school district of any state in the United States, which shall have been authorized by the legislature of such state: *Provided*, That such state or municipality has not, in the ten years preceding the time of such investment, repudiated its debt and failed to pay the same or the interest due thereon, or upon any part of such debt: *And provided further*, That the total indebtedness of such county, township, village or school district does not exceed five per cent of the assessed valuation of the property liable to taxation, taken as appears from the last preceding assessment roll, or upon negotiable notes secured by pledge of stock of national banks, the market value of which equals or exceeds twenty-five per cent above its par value at the time of the loan, and to change and reinvest the same as occasion may from time to time require.

Proviso as to
repudiation by
municipality.

Further proviso
as to indebted-
ness.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 74.]

AN ACT to regulate the taking and catching of fish in Great Sauble Lake, commonly known as Hamlin Lake, in Mason county, Michigan.

The People of the State of Michigan enact:

SECTION 1. It shall not be lawful for any person to take, catch or kill, or attempt to take, catch or kill any fish in Great Sauble lake, commonly known as Hamlin lake, in Mason county, with any kind of spear or grabhook, or by the use of jacks or artificial light of any kind, or by the use of setlines or night lines, or any kind of net, or any kind of firearms or explosive, or any other service except the hook and line. Protection of fish.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the common jail of Mason county not to exceed sixty days, or by both such fine and imprisonment in the discretion of the court. Penalty for violation.

This act is ordered to take immediate effect.

Approved May 11, 1899.

[No. 75.]

AN ACT to amend section two of act number two hundred twenty-two of the public acts of eighteen hundred eighty-seven, as amended by section one hundred eighty-three of the public acts of eighteen hundred ninety-five, as amended by sections one and two of act number two hundred sixty-five of the public acts of eighteen hundred ninety-seven, entitled "An act to prevent crime and punish truancy," being compiler's section nine thousand three hundred fifteen c, and nine thousand three hundred fifteen d, of chapter three hundred thirty-two, of Howell's Annotated Statutes of Michigan, being section eleven thousand seven hundred sixty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section two of act number two hundred twenty-two of the public acts of eighteen hundred eighty-seven, as amended by section one hundred eighty-three of the public acts of eighteen hundred ninety-five, as amended by sections one and two of act number two hundred sixty-five of the public acts of eighteen hundred ninety-seven, entitled "An act to prevent crime and punish truancy," being com- Section amended.

piller's section nine thousand three hundred fifteen c, and nine thousand three hundred fifteen d, of chapter three hundred thirty-two, of Howell's Annotated Statutes of Michigan, being section eleven thousand seven hundred sixty-six of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Who to make
complaint.

SEC. 2. Upon the complaint upon oath and in writing made before any justice of the peace, police justice or other criminal magistrate, by the parent or guardian, or other person knowing of the facts of his own knowledge, that any girl between the age of ten and seventeen years, or that any boy between the age of ten and sixteen years, or by the supervisor of any township, or mayor of any city, or president of any village, and in any city of over eight thousand population by the chief of police, mayor, or other person knowing of the facts of his own knowledge, that such minor has been guilty of any of the acts specified in section one of this act, such justice of the peace, police justice or other criminal magistrate, shall issue a warrant for the arrest of such minor, and upon conviction such minor, if a boy, may be sentenced by such justice of the peace, police justice or criminal magistrate, to the Industrial School for Boys at Lansing, and if a girl, to the Industrial Home for Girls at Adrian, boys until eighteen years of age, and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to the said Industrial School for Boys or to the Industrial Home for Girls until the sentence therein has been submitted to and approved by one of the judges of the recorder's court of the city of Detroit, or judge of the superior court of the city of Grand Rapids, or any circuit judge or probate judge of the county in which such conviction shall be had.

Term of
sentence.

Proviso as to
approval of
sentence.

This act is ordered to take immediate effect.
Approved May 11, 1899.

[No. 76.]

AN ACT to protect Side-Walks and Side-Paths, and to provide a Penalty for its Violation.

The People of the State of Michigan enact:

Unlawful to
ride or drive
vehicles, etc.,
upon side-
walks.

SECTION 1. That it shall be unlawful for any person, wilfully to ride or drive any vehicle other than bicycles or tricycles, cattle, horse, sheep, swine or other animal upon and along the side-paths and side-walks, whether constructed by private persons or public authority for the use of pedestrians and bicyclists, in the public highways and roads of this State, outside of incorporated cities and villages: *Provided*, Such paths and side-walks to be protected by the provisions of this

Proviso.

act shall be on only one side of any roadway and in some manner separated and distinguished from the main traveled part of the highway: *And provided further*, That the location of such path or paths shall first have been determined by the commissioner of highways or the county road commissioner, such determination to be filed in the office of the township clerk or the clerk of the county, as the case may be: *Provided further*, That persons feeling themselves aggrieved at the decision of said highway commissioner shall have the right to appeal from his decision to the township board in the same manner as now provided by law in laying out and constructing highways.

Further proviso.

Further proviso.

SEC. 2. It shall be unlawful for any person, wilfully to injure or destroy, or render impassable or dangerous for pedestrians or persons riding bicycles, any side-path or walk as described in section one of this act.

Unlawful to wilfully injure side-walks, etc.

SEC. 3. It shall be unlawful for any person wilfully to place upon the surface of any such public street or highway in this State, or upon any side-walk or path appurtenant thereto, any glass, metal, stones, earthenware or other substance of a nature likely to cause injury to travelers, pedestrians, carriages, bicycles or other vehicles used on said road, or which are of a nature likely to wound, disable or injure any horse or other animal; or to cut, injure or puncture any pneumatic tire: *Provided*, Nothing contained in this section shall be so construed as to prohibit the public authorities from using any usual or proper means in the improvement of roads and highways.

Unlawful to place glass, etc. upon highway.

Proviso.

SEC. 4. Whenever any such side-path or walk is constructed less than twelve feet from the center of the highway, it shall be considered as part of such highway. No side-path or walk within the meaning of this act shall exceed five feet in width. Nothing in this act shall be construed to prevent any person from driving across said paths or walks for the purpose of entering private property.

When side-path considered part of highway.

Width of side-path.

SEC. 5. Any person found guilty of a violation of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one dollar, nor more than ten dollars for each offense, together with costs of prosecution, or imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment in the discretion of the court; and shall further be liable in an action to any person who shall suffer injury to his person or property by reason of such violation of the provisions of this act.

Penalty for violation.

This act is ordered to take immediate effect.

Approved May 17, 1899.

piler's section nine thousand three hundred fifteen c, and nine thousand three hundred fifteen d, of chapter three hundred thirty-two, of Howell's Annotated Statutes of Michigan, being section eleven thousand seven hundred sixty-six of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Who to make complaint.

SEC. 2. Upon the complaint upon oath and in writing made before any justice of the peace, police justice or other criminal magistrate, by the parent or guardian, or other person knowing of the facts of his own knowledge, that any girl between the age of ten and seventeen years, or that any boy between the age of ten and sixteen years, or by the supervisor of any township, or mayor of any city, or president of any village, and in any city of over eight thousand population by the chief of police, mayor, or other person knowing of the facts of his own knowledge, that such minor has been guilty of any of the acts specified in section one of this act, such justice of the peace, police justice or other criminal magistrate, shall issue a warrant for the arrest of such minor, and upon conviction such minor, if a boy, may be sentenced by such justice of the peace, police justice or criminal magistrate, to the Industrial School for Boys at Lansing, and if a girl, to the Industrial Home for Girls at Adrian, boys until eighteen years of age, and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to the said Industrial School for Boys or to the Industrial Home for Girls until the sentence therein has been submitted to and approved by one of the judges of the recorder's court of the city of Detroit, or judge of the superior court of the city of Grand Rapids, or any circuit judge or probate judge of the county in which such conviction shall be had.

Term of sentence.

Proviso as to approval of sentence.

This act is ordered to take immediate effect.

Approved May 11, 1899.

[No. 76.]

AN ACT to protect Side-Walks and Side-Paths, and to provide a Penalty for its Violation.

The People of the State of Michigan enact:

Unlawful to ride or drive vehicles, etc., upon side-walks.

SECTION 1. That it shall be unlawful for any person, wilfully to ride or drive any vehicle other than bicycles or tricycles, cattle, horse, sheep, swine or other animal upon and along the side-paths and side-walks, whether constructed by private persons or public authority for the use of pedestrians and bicyclists, in the public highways and roads of this State, outside of incorporated cities and villages: *Provided*, Such paths and side-walks to be protected by the provisions of this

Proviso.

act shall be on only one side of any roadway and in some manner separated and distinguished from the main traveled part of the highway: *And provided further*, That the location of such path or paths shall first have been determined by the commissioner of highways or the county road commissioner, such determination to be filed in the office of the township clerk or the clerk of the county, as the case may be: *Provided further*, That persons feeling themselves aggrieved at the decision of said highway commissioner shall have the right to appeal from his decision to the township board in the same manner as now provided by law in laying out and constructing highways.

Further proviso.

Further proviso.

SEC. 2. It shall be unlawful for any person, wilfully to injure or destroy, or render impassable or dangerous for pedestrians or persons riding bicycles, any side-path or walk as described in section one of this act.

Unlawful to wilfully injure side-walks, etc.

SEC. 3. It shall be unlawful for any person wilfully to place upon the surface of any such public street or highway in this State, or upon any side-walk or path appurtenant thereto, any glass, metal, stones, earthenware or other substance of a nature likely to cause injury to travelers, pedestrians, carriages, bicycles or other vehicles used on said road, or which are of a nature likely to wound, disable or injure any horse or other animal; or to cut, injure or puncture any pneumatic tire: *Provided*, Nothing contained in this section shall be so construed as to prohibit the public authorities from using any usual or proper means in the improvement of roads and highways.

Unlawful to place glass, etc. upon highway.

Proviso.

SEC. 4. Whenever any such side-path or walk is constructed less than twelve feet from the center of the highway, it shall be considered as part of such highway. No side-path or walk within the meaning of this act shall exceed five feet in width. Nothing in this act shall be construed to prevent any person from driving across said paths or walks for the purpose of entering private property.

When side-path considered part of highway.

Width of side-path.

SEC. 5. Any person found guilty of a violation of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one dollar, nor more than ten dollars for each offense, together with costs of prosecution, or imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment in the discretion of the court; and shall further be liable in an action to any person who shall suffer injury to his person or property by reason of such violation of the provisions of this act.

Penalty for violation.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 77.]

AN ACT to amend Sections two and fifteen of act number one hundred eighty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all Manufacturing Establishments and Workshops in this State, and to provide for the enforcement, regulation and inspection of such Establishments, and the Employment of Women and Children therein," approved May twenty-second, eighteen hundred and ninety-five, being sections five thousand three hundred forty-three and five thousand three hundred fifty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections two and fifteen of act one hundred eighty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, being sections five thousand three hundred forty-three and five thousand three hundred fifty-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

No child under
14 years of age
to be employed
in factories.

Persons em-
ploying chil-
dren to keep
register.

When unlawful
to employ chil-
dren under 16
years of age.

Proviso.

Commissioner
of Labor to
make annual
inspection of
factories.

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years, and that no child shall be employed between the hours of six o'clock p. m. and seven o'clock a. m.; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a sworn statement made by the parent or guardian, stating the age, date and place of birth of said child, and that the child can read and write. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act: *Provided*, That in the city of Detroit all sworn statements must be made before a deputy factory inspector.

SEC. 15. For the purpose of carrying out the provisions of this act the Commissioner of Labor is hereby authorized and required to cause at least one annual inspection of the manufacturing establishments or factories in this State. Such

inspection may be by the Commissioner of Labor, the deputy commissioner of labor, or such other persons as may be appointed by the Commissioner of Labor for the purpose of making such inspection. Such persons shall be under the control and direction of the Commissioner of Labor and are especially charged with the duties imposed and shall receive such compensation as shall be fixed by the Commissioner of Labor, not to exceed three dollars a day, together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State Treasurer upon the warrant of the Auditor General: *Provided*, That not more than fifteen thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the Commissioner of Labor shall present to the Governor on or before the first day of February, eighteen hundred and ninety-six, and annually thereafter, a report of such inspection with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Compensation.

Proviso as to amount.

Further proviso as to report of inspectors.

Number of reports limited.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 78.]

AN ACT making an appropriation for the printing of certain reports and maps under the direction of the State Board of Geological Survey.

The People of the State of Michigan enact:

SECTION 1. That the Board of Geological Survey, as constituted by act number sixty-five of the laws of eighteen hundred sixty-nine, as amended, is hereby authorized to order the publication of the reports which it is by aforesaid act authorized to acquire. By publication is understood to be included the printing, and at their discretion electrotyping, of the reports above mentioned, and the preparation of the illustrations and maps thereto appertaining; the printing, binding, electrotyping, engraving and other preparation the said board is hereby authorized to have performed in similar form to

Board authorized to publish reports, etc.

previous volumes of their reports or in such less expensive form as said board shall determine.

Bills for ex-
pense, how
paid.

Proviso.

Further pro-
viso.

Further pro-
viso.

SEC. 2. Bills for expenses incurred under the provisions of section one of this act shall after approval by the board be presented to the Board of State Auditors and after allowance by them, audited by the Auditor General and paid from the general fund: *Provided*, That the first edition of no report shall exceed fifteen hundred copies: *And provided further*, That no subsequent edition shall be authorized until the number of copies at the disposal of the State shall be reduced to less than twenty copies: *And provided further*, That said board is not authorized to incur any obligation under this act in excess of four thousand dollars which sum is hereby appropriated to carry out the provisions hereof.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 79.]

AN ACT to provide for the payment of taxes, fines, penalties, license and other fees, and the requirement of certificates of authority in certain cases, of fraternal societies and insurance corporations organized in other states and having agents in this State.

The People of the State of Michigan enact:

Proceedings
when required
to make depos-
its of securities
etc.

When foreign
insurance com-
panies to make
deposits etc., in
this State.

SECTION 1. Whenever by the existing or future laws of any state an insurance corporation of this State, or agent thereof, shall be required to make any deposit of securities in such other state for the protection of the policy holders or otherwise, or to make payment for taxes, fines, penalties, certificates of authority, valuation of policies, license fees or otherwise, greater than the amount required by the laws of this State from similar corporations of such state established or heretofore having established an agency or agencies in this State, the insurance companies of such state shall be and they are hereby required to make a like deposit for the like purposes in the insurance department of this State, and to pay the Commissioner of Insurance for taxes, fines, penalties, certificates of authority, valuation of policies, license fees and otherwise, a rate equal to the amount of such charges and payments imposed by the laws of such other state upon similar corporations of this State and the agents thereof.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 80.]

AN ACT to prevent and punish the pollution and contamination of the waters of the stream known as Wolf Creek, in Lenawee county, Michigan, and the tributaries thereof.

The People of the State of Michigan enact:

SECTION 1. It shall be unlawful for any person or persons to wilfully or in any other manner knowingly to befoul, pollute, contaminate, in any manner, so as to render said water offensive for drinking purposes, the waters of that stream situated in the townships of Adrian, Rome and Cambridge, Lenawee county, Michigan, and known commonly as Wolf Creek, or any tributary thereof situated in said county, at any place in said stream above the dam from which the water supply of the city of Adrian is taken.

Unlawful to
pollute waters
of Wolf creek.

SEC. 2. Whoever mischievously, maliciously or wilfully puts any dead animal, carcass or part thereof, or any other putrid, nauseous, noisome or offensive substance in said stream or its tributaries, or in any other manner befouls the waters of said stream or its tributaries in an unwholesome or offensive manner, or shall drain the contents of any barnyard, waste factory products or other unwholesome substance, into the water of said stream or its tributaries, shall be deemed guilty of a violation of this act.

Idem.

SEC. 3. Any person convicted of a violation of this act shall be punished by a fine not exceeding one hundred dollars, and not less than five dollars, and costs of prosecution; and in default of the payment of said fine and costs, he shall be imprisoned in the jail of Lenawee county not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Penalty for violation.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 81.]

AN ACT to amend sections twelve, nineteen, twenty, twenty-seven, twenty-eight and thirty-one of act number one hundred twenty-four of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government of the Michigan Asylum for Dangerous and Criminal Insane and the inmates therein, and to repeal act number ninety, laws of eighteen hundred eighty-three, and all acts amendatory thereto, and all that portion of act number one hundred forty, laws of eighteen hundred ninety-one which conflicts with this act, being an act entitled 'An act to provide for a State Board of Inspectors who shall perform the duties now performed by the Advisory Board in matters of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the Branch of the State Prison at Marquette, the Reform School for Boys at Lansing, and the Industrial Home for Girls at Adrian, and to abolish all existing Boards, and to annul all existing appointments,' " being sections one thousand nine hundred sixty-five, one thousand nine hundred seventy-two, one thousand nine hundred seventy-three and one thousand nine hundred eighty of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections twelve, nineteen, twenty, twenty-seven, twenty-eight and thirty-one of act number one hundred twenty-four of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government of the Michigan Asylum for the Dangerous and Criminal Insane and the inmates therein, and to repeal act number one hundred ninety, laws of eighteen hundred eighty-three, and all acts amendatory thereto, and all of that portion of act one hundred forty, laws of eighteen hundred ninety-one, which conflicts with this act, being an act entitled 'An act to provide for the State Board of Inspectors, who shall perform the duties now performed by the Advisory Board in matters of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing and the Industrial Home for Girls at Adrian, and to abolish all existing boards and to annul all existing appointments,' " as amended by act number one hundred nineteen, public acts of eight-

een hundred ninety-five, being sections one thousand nine hundred sixty-five, one thousand nine hundred seventy-two, one thousand nine hundred seventy-three and one thousand nine hundred eighty of the Compiled Laws of eighteen hundred ninety-seven, are amended to read as follows:

SEC. 12. The medical superintendent shall be the chief executive officer of the asylum. He shall have general superintendence and charge of the buildings, grounds and farm, together with the furniture, fixtures and stock, and shall make all purchases for the institution. He shall have direction and control of all persons connected with the asylum, subject to the laws and regulations established by the trustees. He shall daily ascertain the condition of all the patients and prescribe their treatment in the manner directed by the by-laws. (He is authorized and directed to use every proper means to furnish employment to such patients as may, in his judgment, be benefited by regular labor suited to their capacity and strength.) He shall have the nomination of his co-resident officers with power to assign them to their respective duties, subject to the by-laws. He shall appoint, with the approval of the trustees, such and so many assistants and attendants as he may think necessary and proper for the economical and efficient performance of the business of the asylum, and prescribe their several duties and places, and shall fix, with the approval of the trustees, their compensation, and may discharge any of them at his sole discretion; but in every case of discharge he shall forthwith record the same with the reasons, under an appropriate head, in one of the books of the asylum kept for that purpose. He shall also have the power to suspend, until next meeting of the trustees, for good and sufficient reason, a resident officer. He shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct and economy in every department of labor and expense, and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions and uniform obedience to all of the rules and regulations of the asylum. He shall further cause full and accurate accounts and records of all his doings to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws, and he shall see that all such accounts and records are fully made up to the last day of June immediately preceding the meeting of the Legislature, and that the principal facts and results, with his report thereon, be at that time presented to the trustees. The first assistant physician shall perform the duties and be subject to the responsibilities of the medical superintendent in his sickness or absence.

Medical superintendent chief executive officer and has general supervision.

To appoint assistants.

Compensation.

Record to be kept.

Orders and instructions of superintendent.

Accounts to be kept.

First assistant physician, duties of.

Duty of court
when insane
person is ac-
cused of crime.

When judge to
institute in-
vestigation.

When com-
mitted to
asylum.

Expense, how
paid.

When county
or State may re-
cover expense.

Certain per-
sons may be
committed to
State Asylum.

SEC. 19. When a person accused of the crime of murder, attempt at murder, rape, attempt at rape, highway robbery or arson or attempt to do great bodily harm, shall appear to be insane, or shall have escaped indictment upon the grounds of insanity, or shall have been acquitted upon trial upon the grounds of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order such person into safe custody and to be sent to the State Asylum. If any person in confinement under indictment for the crime of arson, or murder, or attempt at murder, rape, or attempt at rape, or highway robbery, or assault to do great bodily harm, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation. He shall call two or more reputable physicians and other credible witnesses, and the prosecuting attorney, to aid in the examination, and if it be deemed necessary to call a jury for that purpose, is fully empowered to compel the attendance of witnesses and jurors. If it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment and order his safe custody and removal to the State Asylum, where such person shall remain until restored to his right mind, and then, if the said judge shall have so directed, the superintendent of said asylum shall inform the said judge and prosecuting attorney, so that the person so confined may within sixty days thereafter be remanded to prison and criminal proceedings be resumed, or he be otherwise discharged. If any such person be sent to said asylum, the county from which he is sent shall defray all expenses of such person while at the asylum for a period of two years, and the expense of returning home to such county, if his discharge is effected during such period. If he shall not be discharged from the said asylum until after his transfer to the State shall have been effected, under the provisions of a subsequent section, the expenses of his return to said county shall be paid by the State of Michigan. The county or state may recover the amount so paid from the person's own estate, if he have any, or from any relative, town, city or county that would have been bound under existing laws to provide for and maintain him elsewhere.

SEC. 20. In case any person who has previously been a patient in the Michigan Asylum for Dangerous and Criminal Insane or State Asylum at Ionia be found to be insane under the provisions of section one thousand nine hundred thirty c, Howell's Annotated Statutes, said person may be committed to the State Asylum at Ionia by said judge of probate, the form of commitment being the same as that provided in said section.

SEC. 27. Whenever the physician to the State Prison, or the physician to either of the Houses of Correction of the State, or the Detroit House of Correction, shall certify to any warden, or other officer in charge, that any inmate therein is insane, it shall be the duty of said warden, or other officer in charge, to make immediately a full examination into the condition of such inmate, and if fully satisfied that he is insane, the said warden, or other officer in charge, where said inmate is confined, shall forthwith cause such inmate to be transferred to the State Asylum, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum: *Provided*, There is room therein for his accommodation, and retain him there until legally discharged. The expenses of such insane inmate's maintenance and clothing in said asylum shall be charged to the State of Michigan, likewise the expense attending his transfer. Whenever a patient is received in any of the asylums of the State who has served one or more terms in prison, it shall be the duty of the medical superintendent of such asylum to transfer such patient forthwith to the State Asylum, if there be room therein for his accommodation, and the expense of such transfer shall be charged to the State of Michigan. Whenever a patient is received in any of the asylums of the State who has been previously treated in the State Asylum, the medical superintendent of the asylum where such patient is received shall transfer such patient to the State Asylum forthwith, and the expense of such transfer shall be chargeable to the State of Michigan.

When physician to certify.

Warden to make examination.

When transferred to State Asylum.
Proviso.

Expense charged to State.

Ex-prisoners, when transferred to State Asylum.

Patient previously treated transferred to State Asylum.

SEC. 28. The medical superintendent of any asylum for the insane in Michigan may, with the consent of their respective boards of trustees or governing boards, make application to the Board of Corrections and Charities for recommendation for the transfer of any or all insane persons under treatment in any of said asylums who have been guilty of an act of homicide previous to admission to the asylum, and whose presence is dangerous to others, likewise all insane persons who have committed any act of homicide while under treatment in any of the asylums. And the Board of Corrections and Charities shall investigate all of the facts and report to the Governor, who may, in his discretion, order the transfer of such person or persons to the State Asylum. The expense attending the transfer of such person or persons shall be chargeable to the State of Michigan. In case any patient under treatment in any of the asylums in the State develop unmistakable dangerous or homicidal tendencies, rendering his presence a source of danger to others, proceedings may be instituted as above. If the transfer of such patient shall be effected, the expense attending such transfer shall be chargeable to the State of Michigan. The charges for maintenance of all persons so transferred shall be in accordance with the provisions of sections twenty-one and twenty-two of this act.

Duty of superintendent relative to homicide.

Governor may order transfer.

Expense.

Dangerous insane transferred.

Expenses, etc. how chargeable.

Duty of court
when insane
person is ac-
cused of crime.

When judge to
institute in-
vestigation.

When com-
mitted to
asylum.

Expense, how
paid.

When county
or State may re-
cover expense.

Certain per-
sons may be
committed to
State Asylum.

SEC. 19. When a person accused of the crime of murder, attempt at murder, rape, attempt at rape, highway robbery or arson or attempt to do great bodily harm, shall appear to be insane, or shall have escaped indictment upon the grounds of insanity, or shall have been acquitted upon trial upon the grounds of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order such person into safe custody and to be sent to the State Asylum. If any person in confinement under indictment for the crime of arson, or murder, or attempt at murder, rape, or attempt at rape, or highway robbery, or assault to do great bodily harm, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation. He shall call two or more reputable physicians and other credible witnesses, and the prosecuting attorney, to aid in the examination, and if it be deemed necessary to call a jury for that purpose, is fully empowered to compel the attendance of witnesses and jurors. If it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment and order his safe custody and removal to the State Asylum, where such person shall remain until restored to his right mind, and then, if the said judge shall have so directed, the superintendent of said asylum shall inform the said judge and prosecuting attorney, so that the person so confined may within sixty days thereafter be remanded to prison and criminal proceedings be resumed, or he be otherwise discharged. If any such person be sent to said asylum, the county from which he is sent shall defray all expenses of such person while at the asylum for a period of two years, and the expense of returning home to such county, if his discharge is effected during such period. If he shall not be discharged from the said asylum until after his transfer to the State shall have been effected, under the provisions of a subsequent section, the expenses of his return to said county shall be paid by the State of Michigan. The county or state may recover the amount so paid from the person's own estate, if he have any, or from any relative, town, city or county that would have been bound under existing laws to provide for and maintain him elsewhere.

SEC. 20. In case any person who has previously been a patient in the Michigan Asylum for Dangerous and Criminal Insane or State Asylum at Ionia be found to be insane under the provisions of section one thousand nine hundred thirty c, Howell's Annotated Statutes, said person may be committed to the State Asylum at Ionia by said judge of probate, the form of commitment being the same as that provided in said section.

SEC. 27. Whenever the physician to the State Prison, or the physician to either of the Houses of Correction of the State, or the Detroit House of Correction, shall certify to any warden, or other officer in charge, that any inmate therein is insane, it shall be the duty of said warden, or other officer in charge, to make immediately a full examination into the condition of such inmate, and if fully satisfied that he is insane, the said warden, or other officer in charge, where said inmate is confined, shall forthwith cause such inmate to be transferred to the State Asylum, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum: *Provided*, There is room therein for his accommodation, and retain him there until legally discharged. The expenses of such insane inmate's maintenance and clothing in said asylum shall be charged to the State of Michigan, likewise the expense attending his transfer. Whenever a patient is received in any of the asylums of the State who has served one or more terms in prison, it shall be the duty of the medical superintendent of such asylum to transfer such patient forthwith to the State Asylum, if there be room therein for his accommodation, and the expense of such transfer shall be charged to the State of Michigan. Whenever a patient is received in any of the asylums of the State who has been previously treated in the State Asylum, the medical superintendent of the asylum where such patient is received shall transfer such patient to the State Asylum forthwith, and the expense of such transfer shall be chargeable to the State of Michigan.

When physician to certify.

Warden to make examination.

When transferred to State Asylum.
Provide.

Expense charged to State.

Ex-prisoners, when transferred to State Asylum.

Patient previously treated transferred to State Asylum.

SEC. 28. The medical superintendent of any asylum for the insane in Michigan may, with the consent of their respective boards of trustees or governing boards, make application to the Board of Corrections and Charities for recommendation for the transfer of any or all insane persons under treatment in any of said asylums who have been guilty of an act of homicide previous to admission to the asylum, and whose presence is dangerous to others, likewise all insane persons who have committed any act of homicide while under treatment in any of the asylums. And the Board of Corrections and Charities shall investigate all of the facts and report to the Governor, who may, in his discretion, order the transfer of such person or persons to the State Asylum. The expense attending the transfer of such person or persons shall be chargeable to the State of Michigan. In case any patient under treatment in any of the asylums in the State develop unmistakable dangerous or homicidal tendencies, rendering his presence a source of danger to others, proceedings may be instituted as above. If the transfer of such patient shall be effected, the expense attending such transfer shall be chargeable to the State of Michigan. The charges for maintenance of all persons so transferred shall be in accordance with the provisions of sections twenty-one and twenty-two of this act.

Duty of superintendent relative to homicide.

Governor may order transfer.

Expense.

Dangerous insane transferred.

Expenses, etc. how chargeable.

Repealing
clause.

SEC. 31. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 82.]

AN ACT to Provide for the Incorporation of Reformed Churches in America, formerly known as Reformed Protestant Dutch Churches.

The People of the State of Michigan enact:

Trustees.

SECTION 1. That the minister or ministers and elders and deacons, and if during any time there be no minister, then the elders and deacons during such time, of every reformed church or congregation now or hereafter to be established in this State, and elected according to the rules and usages of such churches within this State, shall be trustees for every such church or congregation, and it shall be lawful for the said trustees, if not already incorporated, to assemble together as soon as they shall deem it convenient, and execute under their hands and seals articles of association, in triplicate, and acknowledge before some officer authorized by law to take acknowledgment of deeds. One of such triplicate copies shall be retained by such corporation, one copy shall be filed in the office of the register of deeds in the county where such corporation is formed, and one copy shall be filed in the office of the Secretary of State. And such trustees and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such articles of association.

To execute
articles of asso-
ciation in
triplicate.

Where filed.

Body corporate.

Articles of asso-
ciation, what
to state.

SEC. 2. The articles of association of any such corporation shall state the purpose for which such society is incorporated, the name of the corporation, the period for which it is incorporated, and the name and place of residence of each of the persons associating in the first instance.

May have seal.

SEC. 3. The trustees of every church, congregation or society hereinabove mentioned, and their successors, may respectively have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, congregation or society, whether the same consists of real or personal estate, and whether the same shall have been given, granted or devised directly to such church, congregation or society, or to any other person for their use; and also, by their corporate name or title, to sue and be sued in all courts of law or equity, and to re-

Power and
authority of
trustees.

cover, hold and enjoy all the debts, demands, rights and privileges, and all churches, meeting houses, parsonages and burying places, with the appurtenances, and all estates belonging to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been invested in the said trustees; and also to purchase and hold other real and personal estate, and to demise, lease and improve the same for the use of such church, congregation or society, or other pious uses; and also to repair and alter their churches or meeting houses, and to erect others, if necessary, and to erect dwelling houses for the use of their ministers, and other buildings for the use of such church, congregation or society; and such trustees shall also have power to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all moneys belonging thereto, and to regulate and order the renting of the pews in their churches and meeting houses, and the perquisites for the breaking of the ground in the cemetery or church yards and in the said churches or meeting houses, for burying the dead and all other matters relating to the temporal concerns and revenues of such church, congregation or society; and to appoint a clerk and treasurer of their board, and a collector to collect and receive the said rents and revenues, and to regulate the fees to be allowed to such clerk, treasurer and collector, and them or either of them to remove at pleasure, and appoint others in their stead; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be provided by them for that purpose.

May purchase and hold real estate.

Rules, orders, etc.

To appoint clerk, etc., of board.

SEC. 4. The trustees of every such church, congregation or society, hereinabove mentioned, may receive bequests or gifts of money for investment upon bond or mortgage when the interest of such investment is to be used by such trustees for the lawful purposes of the corporation, and may receive gifts or bequests of real estate for like purpose, but such real estate, so received shall be sold within ten years of the time it becomes the property of such corporation, and the proceeds derived from such sale shall be invested in like manner as if the original bequest had been in money.

May receive bequests or gifts.

Certain real estate, when sold.

SEC. 5. No corporation organized or reincorporated under the provisions of this act shall be dissolved or disbanded except by and with the consent of the Classis to which such church shall belong, and no church building or parsonage, or any land necessarily used in connection therewith for the purpose of public worship, shall be sold, mortgaged, or in any manner alienated by such trustees or congregation except by and with the consent of the Classis to which such church belongs.

How corporation dissolved.

SEC. 6. It shall be lawful for the trustees of every such church, congregation or society to sell and convey or mortgage,

May mortgage and sell real estate.

without the consent of the Classis to which such church, congregation or society may belong, all real estate that may belong to such corporation, and upon which no church buildings or parsonage shall have been erected, and which is not necessary for use by such church, congregation or society in connection with their public worship.

How may extend corporate existence.

SEC. 7. Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence for a term not exceeding thirty years, by filing with the Secretary of State and the register of deeds of the county where such corporation is located duly attested copies of a resolution adopted by such corporation at a meeting called in accordance with the provisions of its by-laws expressing a desire to so extend its corporate existence, and upon the filing of such resolution as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term of not exceeding thirty years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

Certain churches to be incorporated and under provisions of act.

SEC. 8. The trustees of every church, congregation or society that have heretofore been incorporated by virtue of the provisions of chapter one hundred seventy-three, volume one, Howell's Annotated Statutes of Michigan, providing for the incorporation of Reformed Protestant Dutch Churches, and that are now operating thereunder, are hereby reincorporated under the provisions of this act, and shall be governed by all of the provisions thereof, the same as if they had been originally incorporated under this act, and all such corporations reincorporated under and made subject to the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such corporations as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation under and subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed debts and liabilities of the new corporation, and all the officers of any such corporation elected or appointed under the provisions of the former act incorporating such corporation and in office at the time of such reincorporation under this act shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 83.]

AN ACT to amend section eighty-seven of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended by act number one hundred fifty-four of the public acts of eighteen hundred ninety-five, as amended by act number two hundred twenty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening the provisions of this act," being section three thousand nine hundred ten of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section eighty-seven of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended by act number one hundred fifty-four of the public acts of eighteen hundred ninety-five, as amended by act number two hundred twenty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening the provisions of this act," being section three thousand nine hundred ten of the Compiled Laws of eighteen hundred ninety-seven, be amended so as to read as follows:

SEC. 87. The accounts between the State, county and each township shall be adjusted on the basis of crediting and paying to each the taxes collected by and for each with the interest thereon. The Auditor General shall, on the first day of January, April, July and October in each year, make a statement of account between the State and each county respectively, and render the same to the county treasurer of each county, and draw his warrant on the State Treasurer, payable to such county treasurer, for all moneys in the State Treasury collected for the county, township, school, highway or any other pur-

Section amended.

Tax accounts. how adjusted.

Auditor General to make quarterly statement.

without the consent of the Classis to which such church, congregation or society may belong, all real estate that may belong to such corporation, and upon which no church buildings or parsonage shall have been erected, and which is not necessary for use by such church, congregation or society in connection with their public worship.

How may extend corporate existence.

SEC. 7. Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence for a term not exceeding thirty years, by filing with the Secretary of State and the register of deeds of the county where such corporation is located duly attested copies of a resolution adopted by such corporation at a meeting called in accordance with the provisions of its by-laws expressing a desire to so extend its corporate existence, and upon the filing of such resolution as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term of not exceeding thirty years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

Certain churches to be incorporated and under provisions of act.

SEC. 8. The trustees of every church, congregation or society that have heretofore been incorporated by virtue of the provisions of chapter one hundred seventy-three, volume one, Howell's Annotated Statutes of Michigan, providing for the incorporation of Reformed Protestant Dutch Churches, and that are now operating thereunder, are hereby reincorporated under the provisions of this act, and shall be governed by all of the provisions thereof, the same as if they had been originally incorporated under this act, and all such corporations reincorporated under and made subject to the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such corporations as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation under and subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed debts and liabilities of the new corporation, and all the officers of any such corporation elected or appointed under the provisions of the former act incorporating such corporation and in office at the time of such reincorporation under this act shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 83.]

AN ACT to amend section eighty-seven of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended by act number one hundred fifty-four of the public acts of eighteen hundred ninety-five, as amended by act number two hundred twenty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening the provisions of this act," being section three thousand nine hundred ten of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section eighty-seven of act number two hundred six of the public acts of eighteen hundred ninety-three, as amended by act number one hundred fifty-four of the public acts of eighteen hundred ninety-five, as amended by act number two hundred twenty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening the provisions of this act," being section three thousand nine hundred ten of the Compiled Laws of eighteen hundred ninety-seven, be amended so as to read as follows:

SEC. 87. The accounts between the State, county and each township shall be adjusted on the basis of crediting and paying to each the taxes collected by and for each with the interest thereon. The Auditor General shall, on the first day of January, April, July and October in each year, make a statement of account between the State and each county respectively, and render the same to the county treasurer of each county, and draw his warrant on the State Treasurer, payable to such county treasurer, for all moneys in the State Treasury collected for the county, township, school, highway or any other pur-

Section amended.

Tax accounts. how adjusted.

Auditor General to make quarterly statement.

County treasurer to pay to State.

Proviso.

Accounts between county and township.

Proviso as to Kent county.

poses for such county or township or district thereof, and transmit such warrant to the county treasurer, and notice to the county clerk thereof. At the same time the county treasurer shall pay to the State all moneys collected and due from their respective counties to the State, as shown by such account so rendered by the Auditor General to be due the State: *Provided*, That on January fifteenth, and each thirty days thereafter until the regular quarterly settlement for the quarter ending March thirty-first shall have been made each year, the county treasurer shall pay to the State all moneys coming into his hands from the collection of said State tax. The county treasurer of each county shall, on or before the first day of February, May, August and November in each year, make out a detailed statement of the account between the county and the several townships or cities, which statement shall show the different funds to which the several debits and credits belong, and render the same to the township or city treasurer, and pay all moneys shown by said statement so rendered to the township or city to the proper receiving officer of the township or city, and notify the township or city clerk of the items and total amount thereof; also a description of the lands upon which such taxes were paid. The county clerk shall charge such amounts to the county treasurer, and the township or city clerks shall charge such amount to the township or city treasurers on the books of their respective offices: *Provided*, That in the county of Kent the county treasurer shall not be required to make a detailed statement.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 84.]

AN ACT to provide for the public or private sale of stock, bonds, or other personal property pledged as collateral security for the payment of money or the performance of any obligation; and to authorize and empower the pledgee, his assigns, or his or their legal representatives, to purchase the property at such sale.

The People of the State of Michigan enact:

Stock, bonds, etc., may be sold for debt.

SECTION 1. When stock, bonds, or other personal property is pledged as collateral security for the payment of money or the performance of any obligation, and there has been a default in such payment or performance, such stock, bonds or other personal property may be sold to satisfy said debt or obligation at public sale, or at private sale where the contract of pledge authorizes a private sale; but before a sale, ten

days notice in writing thereof shall first be served on the pledgor or his legal representative, either personally or by mail addressed to said pledgor or his legal representative at his last place of residence. Notice of sale to pledgor.

SEC. 2. In the case of a public sale, as provided in section one of this act, such sale shall be at public vendue, between the hour of nine o'clock in the forenoon and the setting of the sun, at a public place in the township, village or city where such stock, bonds or other personal property is held as collateral security; and shall be made by the person or party or corporation so holding said stock, or the agent or attorney of said person, party or corporation; and notice of such sale shall be given by posting a written or printed notice thereof in three public and conspicuous places in the township, village or city where such sale is held, ten days before the date of said sale; and the pledgee, his assigns, or his or their legal representatives, may fairly and in good faith purchase said property or any part thereof, at such sale. When and where held.

SEC. 3. Such sale may be postponed from time to time, and in case of postponement for more than one day notice thereof shall be posted as provided in section two of this act. Notice of sale, how posted.

This act is ordered to take immediate effect.

Approved May 25, 1899. May be postponed.

[No. 85.]

AN ACT to amend act number two hundred five of the public acts of eighteen hundred ninety-seven, entitled "An act to prefer ex-soldiers for public employment."

The People of the State of Michigan enact:

SECTION 1. That act number two hundred five of the public acts of eighteen hundred ninety-seven, entitled "An act to prefer ex-soldiers for public employment," be and the same is hereby amended so as to read as follows: Act amended.

SECTION 1. In every public department, and all public departments in all municipal corporations, and upon the public works of the State of Michigan, honorably discharged Union soldiers, sailors and marines of the late rebellion and the soldiers, sailors and marines of the late Spanish-American war shall be preferred for appointment and employment; age, loss of limb or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them: *Provided, however,* That the applicant shall have been a resident of the State for at least five years and of the county in which the office or position is located for at least two years, and possesses other requisite qualifications. Honorably discharged soldiers, etc. preferred for employment.

Proviso.

No veteran, soldier, etc. to be removed without hearing.

SEC. 2. No veteran, or other soldier, sailor or marine, as indicated in the preceding section, holding an office or employment in the public works of any city or town of the State shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, except after a full hearing before the mayor of such city, or before the common council of such town, and at such hearing the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer shall be made only upon a written order of the mayor or of the common council.

Penalty.

SEC. 3. Any violation of the provisions of this act shall be deemed a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 86.]

AN ACT to enable the Regents of the University of Michigan to receive any money or other property for the ultimate use of the university and to invest the same in the best manner possible subject to the payment of the net income or any portion thereof derived therefrom to any specified person or persons then living, during the life or lives of such person or persons.

The People of the State of Michigan enact:

Regents may receive and disburse certain money and property.

SECTION 1. That the Regents of the University of Michigan are authorized to enter into agreements to receive, and to receive from any one and in any manner, money or other property for the ultimate use of the university, to invest the same in the best manner possible, and to pay the net income derived therefrom, or any portion of the same, to any person or persons living at the time such money or property is received, during the life or lives of such person or persons. Said regents at the time of receiving such money or property may enter into agreements that all or part of such net income may be paid to the person or persons designated during such life or lives. Donations of money or property received under the provisions specified by this act shall not be subject to the provisions of act number one hundred and forty of the public acts of eighteen hundred ninety-five, unless so agreed by the donors and the Regents of the University.

Donations not subject to certain act.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 87.]

AN ACT to provide for the furnishing to Policy Holders Copies of the application for Insurance in Life, Coöperative, Mutual Benefit and Fraternal Beneficiary Companies or Associations.

The People of the State of Michigan enact:

SECTION 1. That all life insurance companies, coöperative insurance companies, mutual benefit and fraternal beneficiary associations doing business in the State of Michigan, shall, when requested by the insured, attach to every policy when issued in this State, an accurate copy of the application for such insurance, including the medical examination, family history of the applicant and all representations of any kind made by the applicant upon which the contract for insurance is based. If such copy of application shall not be requested by the insured at the time policy is issued, it shall be furnished by the corporation insuring at any time thereafter upon request of the insured, in his life time or of his representatives or beneficiaries after his death.

Application of insurance to be attached to certain policies.

SEC. 2. If any life insurance company, coöperative insurance company, mutual benefit or fraternal beneficiary association shall fail to comply with the provisions of section one of this act, it shall be the duty of the Commissioner of Insurance of this State, upon a hearing before him after proper notice given to such company, to revoke the license or suspend the right of such company to do business within this State for such time, not less than three months nor exceeding one year, as to the commissioner shall seem just and proper.

Duty of commissioner of insurance.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 88.]

AN ACT to amend sections one and two, and to add sections six and seven, of act number one hundred fifty-one of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the catching of fish in the waters of this State, by the use of pound or trap nets, gill nets, seines or other apparatus."

The People of the State of Michigan enact:

SECTION 1. That sections one and two of act number one hundred fifty-one of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the catching of fish in the

Sections amended.

waters of this State, by the use of pound or trap nets, gill nets, seines or other apparatus," be and the same are hereby amended to read as follows: Also sections six and seven added.

Unlawful to use certain kind of nets, etc.

Size of meshes.

Proviso.

Further proviso.

Unlawful to market certain fish under certain weight.

Rights of United States fish commission.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That there shall not be used in the waters of this State any pound or trap net, gill net, seine or any fixed, set or movable net of whatever name or description, except the net known as the hoopfyke net, the meshes of which are less than permitted by this act, which are as follows: The meshes of the parts of pound or trap nets, commonly called the lead or funnel and the heart, shall not be less than five inches in extension measure, as manufactured, and the meshes of said nets, commonly called the pot, crib or pocket, being that part into which the fish are finally captured, shall not be less than three and one-half inches in extension measure as manufactured, and in lifting or raising the pot of a pound net no apron or other device shall be inserted or used to prevent the small fishes from escaping through the meshes of the pot or crib, so called: *Provided*, That wherever and whenever it can be shown that the catch of fish during the year does not contain to exceed ten per cent of whitefish or trout, pound nets with pots, cribs or pockets of not less than two and one-half inches extension measure, heart and funnels outside of crib four inches extension measure, as manufactured, may be used for taking perch, herring, pickerel and other rough fish, in the waters of this State, in any vicinity where it will not interfere with or catch immature whitefish or lake trout. The meshes of every gill net used in the waters of this State shall be at least four and one-quarter inch extension measure: *Provided further*, That gill nets with a mesh of not less than two and three-quarters inches extension measure may be used for taking perch, herring, black fins, long jaws or any fish except whitefish, lake trout and black bass.

SEC. 2. It shall be unlawful to market or have in possession any sturgeon or rock sturgeon weighing less than fifteen pounds, any whitefish weighing less than two pounds, any lake trout weighing less than one and one-half pounds, any wall-eyed pike or pickerel weighing less than one pound, or any catfish weighing less than one pound, or any perch weighing less than four ounces, each in the round: *Provided*, That it shall be lawful to transport and sell any of said described kinds of fish legally caught during any season of the year.

SEC. 6. It shall be lawful for the United States Fish Commission, through its representatives or employes, to fish with nets in any of the waters of this State, during any season of the year, for the purpose of gathering spawn from such fish caught, to have and to hold both rine and unripe fish, and to have the privilege of selling such fish after stripping, to help defray the expenses incurred in the work of propagation: *Provided*, That such fishing by said Fish Commission shall be under the supervision and control of the State Game and Fish

Warden, and: *Provided, further,* That at least seventy-five per cent of the fry resulting from the spawn so taken shall be planted in the waters of this State, the same to be determined by reports to the State Game and Fish Warden.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed, in so far as they conflict herewith: *Provided,* That nothing in this act shall be construed to prevent the use of nets now in use and purchased as provided for in section one, act number one hundred thirty-nine of the public acts of eighteen hundred eighty-nine.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 89.]

AN ACT making appropriations for the Industrial School for Boys for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the current expenses of the Industrial School for Boys for the six months ending June thirty, eighteen hundred ninety-nine, the sum of thirty thousand dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of sixty thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of sixty thousand dollars.

SEC. 2. The further sum of nine thousand seven hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Two thousand two hundred fifty dollars for the department of technology; one thousand dollars for painting and papering; five hundred dollars for sidewalks and fences; five hundred dollars for printing press; four thousand five hundred dollars for building for storeroom and cold storage; wiring for electricity one thousand dollars. The further sum of two thousand five hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and one, by amounts and purposes as follows: Fifteen hundred dollars for the department of technology; five hundred dollars for painting and papering, and five hundred dollars for sidewalks and fences.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Industrial School for Boys at

such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To incorporate
in State tax.

SEC. 4. The Auditor General shall incorporate with the State tax for the year eighteen hundred ninety-nine, the sum of eighty-four thousand five hundred dollars; for the year nineteen hundred the sum of sixty-two thousand seven hundred fifty dollars, and for the year nineteen hundred and one the sum of fifteen thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 90.]

AN ACT to provide one additional Judge in the Judicial Circuit in which the County of St. Clair is or may be situate being now the thirty-first Judicial circuit.

The People of the State of Michigan enact:

Additional
judge.

SECTION 1. That there shall be one additional circuit judge in the judicial circuit in which the county of St. Clair is or may be situate, the same now being the thirty-first judicial circuit.

When elected.

SEC. 2. It shall be unlawful during such period for any day succeeding the first Monday of November nineteen hundred an additional circuit judge shall be elected for the thirty-first judicial circuit, who shall hold office from January first, nineteen hundred one until December thirty-first nineteen hundred six or until his successor is elected and qualified. The additional office of circuit judge created by this act shall be deemed vacant from and after the day when this act shall take effect and such vacancy shall be filled by appointment by the Governor. The judge so appointed shall qualify and enter upon the discharge of his duties within ten days after his appointment and the term of his appointment shall end December thirty-first, nineteen hundred, or as soon thereafter as his successor is elected and qualified.

Term of office.

Office, when
vacant.

How filled.

When judge to
qualify and enter
upon duties.

Term of
appointment.

Laws to apply.

SEC. 3. All the laws and rules of court relative to circuit courts and the terms thereof and the powers and duties of circuit judges shall apply to such judge and the court held by him.

Powers of
judges, how
to be.

SEC. 4. The two judges of said circuit shall have equal and co-ordinate powers and duties except as otherwise herein provided, and one of them shall constitute a quorum for the transaction of business. The judge holding office at the time

when the judge appointed to fill the vacancy declared by this act, enters upon the duties of his office, shall assign and apportion from time to time by order on the journal of the court in general terms, the business of said court between them for the balance of the year. The other judge shall assign and apportion the business of the court between them for the next year and thereafter the two judges and their successors shall alternate in assigning and apportioning the business of the court. They may sit separate or together in the hearing or trial of causes or on all questions coming before them and either may reserve for the consideration of both any question of law arising upon the trial or hearing or that may otherwise be submitted.

When sitting together the findings, orders, rulings, decisions, judgments or decrees shall be made by the judge to whom the cause was assigned, and the other shall be advisory only.

SEC. 5. Each judge shall proceed to hear, try and dispose of the business so assigned to him, with the same force and effect as if he was the only judge of said court, subject to and with the power and authority conferred by all the rules of practice and of law applicable to circuit courts having only one judge, and thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room or in a separate court room, attended by the clerk or one of his deputies and by the sheriff or one or more of his deputies, by a stenographer and by jurymen not engaged in the trial of other causes if it be a cause to be tried by jury, and such judge while so sitting for the transaction of business shall have all the powers of any circuit judge sitting in any circuit court in this State and the proceedings shall be recorded as proceedings of the circuit court had in open court and at a session of said circuit court. If a sufficient number of jurors shall not be in attendance upon the court and who are not engaged in the trial of other causes, said judge may direct talesmen to be summoned in the manner provided by law. The said judges may make rules from time to time in relation to the making up of the trial docket and as to the disposition of the business of the court not inconsistent with the general laws of the State.

Judges to hear and dispose of business.

May summons talesmen, make rules, etc.

SEC. 6. In case of the absence, illness or inability from other cause of either judge to do any business assigned to him, the same shall be done by the other except as otherwise provided.

Duty in case of illness, etc.

SEC. 7. A record of the proceedings before the judges shall be kept in the journal of the court, each entry showing before what judge the proceedings were had. Each judge shall sign the record of all the proceedings before him and each judge shall sign all orders and decrees made by him.

Record of proceedings, how kept.

SEC. 8. All cases made, motions for new trial, bills of exceptions and settlement of cases for review in law and chancery shall be heard, settled and certified by the judge before

Cases, etc., how and by whom heard.

Not to grant application which has been denied.

Additional court room.

Assistant stenographer's compensation, etc.

whom the trial or hearing was had. No order shall be stayed, nor shall any stay of proceedings or injunction be had or set aside, modified or dissolved except by the judge trying the case or making the order or granting the injunction excepting that in case of the absence from the county, sickness or other cause disabling such judge from acting, the other circuit judge shall have power to stay, modify, set aside or dissolve such order or injunction. Neither judge shall grant an application which shall have been denied by the other.

SEC. 9. Such additional court room and facilities shall be provided by the board of supervisors of St. Clair county on the passage of this act, as shall be requisite for the prompt and decent dispatch of business.

SEC. 10. Whenever either judges of said circuit shall authorize the stenographer of said circuit to employ one or more temporary assistant stenographers, the judge so authorizing such employment, shall fix the compensation to be paid for such services and shall from time to time audit and allow the account of such assistant, but in no instance shall it exceed five dollars per day, and thereupon the county clerk shall draw an order on the county treasurer for the amount so audited and allowed and the county treasurer is hereby authorized and required to pay the same.

This act is ordered to take immediate effect.

Approved May 20, 1899.

[No. 91.]

AN ACT to provide for the preservation of Moose, Elk and Caribou, and to provide a penalty for their destruction.

The People of the State of Michigan enact:

Unlawful to kill moose, elk, or caribou.

Unlawful to have flesh of moose, etc. in possession.

What deemed prima facie evidence.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to hunt, kill or destroy in any manner whatsoever, any moose, elk or caribou in this State for a period of ten years from and after the date upon which this act shall take effect.

SEC. 2. It shall be unlawful during such period for any person to have in his possession any of the flesh of any moose, elk or caribou, killed in this State, and the having in possession of any of such flesh of moose, elk or caribou shall be *prima facie* evidence of illegal killing.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and costs of prosecution, or imprisonment in the county jail not to exceed

ninety days, or both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 92.]

AN ACT to facilitate the Inspection and prevent the removal of any and all Records and Files in the offices of County, City and Township Officers in this State, and repealing all acts and parts of acts in anywise contravening the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. That the officers having the custody of any county, city or township records in this State, shall upon request furnish proper and reasonable facilities for the inspection and examination of the records and files in their respective offices and for making memoranda of transcripts therefrom during the usual business hours, which shall not be less than four hours per day to all persons having occasion to make examination of them for any lawful purpose: *Provided*, That the custodian of said records and files may make such reasonable rules and regulations with reference to the inspection and examination of them as shall be necessary for the protection of said records and files, and to prevent interference with the regular discharge of the duties of such officer: *And provided further*, That such officer shall prohibit the use of pen and ink in making copies or notes of records and files in his office: *And provided further*, That no books, records or files shall be removed from the office of the custodian thereof for any purposes whatever, except by the order of the judge of any court of competent jurisdiction, or in response to a subpoena *duces tecum* issued therefrom.

Custodian of records to furnish facilities for inspection, etc.

Proviso.

Proviso as to pen and ink.

Proviso as to removal of books.

SEC. 2. Any person or officer having the custody of any records and files of any county or city in this State, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor.

Any violation of this act a misdemeanor.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 93.]

AN ACT to amend act number one hundred and twenty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act for the organization of telephone and messenger service companies," approved May thirty-one, eighteen hundred eighty-three, being sections six thousand six hundred eighty-eight to six thousand six hundred ninety-five of the compiled laws of eighteen hundred ninety-seven, by adding two new sections thereto to be known as sections nine, and ten.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred and twenty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act for the organization of telephone and messenger service companies," approved May thirty-one, eighteen hundred eighty-three, the same being sections six thousand six hundred eighty-eight to six thousand six hundred ninety-five inclusive of the compiled laws of eighteen hundred ninety-seven be and the same is hereby amended by adding two sections thereto to be known as sections nine and ten and to read as follows:

Telephone lines, where constructed etc.

SEC. 9. Whenever any corporation organized under the provisions of this act shall desire to construct a line of public telephones in the lower peninsula of this State, the same shall in all cases, when not located upon the public places, streets and highways of the said lower peninsula, or within the corporate limits of cities and villages, be located along side of and adjacent to the railway right of way in cases where the railway right of way lies adjacent to the lands sought to be acquired.

Right of way, how may acquire.

SEC. 10. Whenever any such corporation shall desire to acquire a right of way over, through, under or across any lands which may be adjacent to the right of way of any railway, and is unable to agree with the owner or owners of such lands for the purchase of said right of way, such corporation shall have the right to acquire the title to said right of way, outside the corporate limits of cities and villages, in the same manner and by the same proceedings as are provided for in chapter one hundred and sixty-four of the compiled laws of eighteen hundred and ninety-seven of this State, providing for the condemnation of lands for right of way by railway companies: *Provided*, That the owner or owners of the lands over which any such right of way shall be acquired shall have the right to occupy and use the same, but such occupancy and use shall not be to the injury of the property of such corporation situate upon such right of way: *Provided*, The strip of land so condemned shall not exceed six feet in width.

Proviso.

Proviso.

This act is ordered to take immediate effect.

Approved May 31, 1899.

[No. 94.]

**AN AOT to provide for the incorporation of churches of the
Evangelical Association.**

The People of the State of Michigan enact:

SECTION 1. It shall be lawful for any number of members of the Evangelical Association of full age, not less than five, to organize and secure the incorporation of a church according to the usage of the Evangelical Association, under the provisions hereof.

Number
who may
incorporate.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of incorporation, in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules, usages and ministerial appointments of the Evangelical Association. To such articles of incorporation the pastor in charge shall attach a certificate assuring his consent.

To execute
articles of
incorporation.

Pastor to
attach
certificate of
consent.

SEC. 3. Said articles of incorporation shall contain the following items:

What articles
to contain.

First. The name of the church and the town, village or city and the county and State where located.

Second. An agreement to incorporate in the interests of religion and the spread of scriptural holiness, according to the discipline, rules and usages of the Evangelical Association.

Third. The number of trustees, not less than three, who shall have charge of the affairs of said church, and the time of the annual meeting thereof.

Fourth. The time for which said corporation shall be created.

SEC. 4. Such articles of incorporation shall be executed in duplicate. One copy shall be retained by such corporation, and one copy shall be recorded in the office of the county clerk of the county where such corporation is formed. When said articles of incorporation and said certificate of the preacher in charge shall have been recorded, or left for record in the office of the county clerk, the said persons so signing said articles of association, and their associates and fellow members of said church, and all that may thereafter become members of said church as shown by its records from time to time shall thereby become and thenceforth be a body politic or corporation by the name expressed in said articles of incorporation, with all the powers, rights, and privileges appertaining to religious corporations by the law of this State.

To be executed
in duplicate,
where filed.

Body politic.

SEC. 5. Said churches, when so incorporated, shall be in all matters of church government and ecclesiastical polity subject to the discipline, rules and usages of the Evangelical Association as from time to time authorized and declared by the General Conference of said church and the annual conference in whose bounds such corporation is situated.

Rules and
discipline to
govern.

Meetings, how provided for.

SEC. 6. Said church when so organized may provide by by-laws for such regular and special meetings of the members thereof as may be deemed essential for the full exercise of the powers granted or reserved hereby.

Rights and privileges.

SEC. 7. Said church when so organized shall have all the rights, privileges and immunities appertaining to such religious corporations. It may sue and be sued; it may take and hold property both real and personal as may be necessary for the proper execution of the purpose for which it was incorporated; it may hold so much land as may be necessary for the proper purposes of said church and parsonage; it may sell, mortgage or lease real estate, when so directed by a majority of the members thereof in regular meeting. Said corporation shall at all times permit such ministers belonging to the Evangelical Association as shall from time to time be duly authorized by the General Conference or the annual conference within whose bounds such corporation is situated, to preach and expound God's word; and shall permit duly appointed pastors, presiding elders and bishops to perform the functions incident to their offices in accordance with the discipline and usages of the Evangelical Association.

May amend articles of incorporation.

SEC. 8. It shall be lawful for any church organized under the provisions of this act, by a majority of the members of said church, to alter or amend its articles of incorporation in any manner not inconsistent with this act, and such alteration or amendment shall become operative when a majority of the members of said church of full age shall execute amended articles, and said amended articles shall have been executed in the manner provided for in section three of this act, and shall have been recorded by the county clerk as stated in section four of this act.

Incorporated associations may come under provisions of act.

SEC. 9. Any church of the Evangelical Association heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate may place itself under the provisions of this act by a majority of the members of said church executing articles of incorporation according to section three of this act, and recording the same as provided for in section four of this act.

Interpretation of acts.

SEC. 10. In all proceedings that may arise or be brought in any of the courts of this State touching or in any way concerning churches that may be incorporated under this act, all other acts or parts of acts shall be so interpreted and construed as to give full force and effect to the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated thereunder.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 95.]

AN ACT to authorize and direct the Commissioner of the State Land Office to cause an examination of the unsold university and primary school lands belonging to the State, and to fix the minimum price for which such lands shall hereafter be sold.

The People of the State of Michigan enact:

SECTION 1. That the Commissioner of the State Land Office shall withdraw from sale all unsold university and primary school lands belonging to the State of Michigan, and shall cause the same to be examined for the purpose of ascertaining the character, condition and value of such lands, and their marketable value, and the fixing of a minimum price for which such lands shall be sold, as based upon the reports of such examination.

Examination
of unsold
University and
school lands.

SEC. 2. The said Commissioner of the State Land Office shall appoint one or more suitable persons, whose duties shall be to make a personal examination of any such university or primary school lands as he may be directed to so examine, and shall report to the said Commissioner of the State Land Office the character of the soil, the kind and quantity of timber growing upon such lands, their location as to proximity to railroads, and shall also report his or their estimate of the marketable value of such lands. The Commissioner of the State Land Office shall, upon the information contained in the reports of such examination, fix a minimum price for which each tract shall be sold, and shall from time to time restore such lands to market in the manner now provided by law.

Persons to
make
examination,
how appointed.

Commissioner
of State Land
Office to
fix minimum
price.

SEC. 3. The services and expenses of the agents appointed to make the examination provided for in section two of this act shall be paid for out of any moneys belonging to the general fund, upon bills rendered to the Commissioner of the State Land Office, approved by him and audited by the Board of State Auditors, on a warrant issued by the Auditor General to the State Treasurer.

Compensation
for exami-
nation.

SEC. 4. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed.

Repealing
clause.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 96.]

AN ACT to amend sections one, two, seven and ten of act number seventy of the public acts of the State of Michigan for the year eighteen hundred eighty-one, entitled "An act to authorize the formation of electric light companies," being sections four thousand one hundred eighty-two, four thousand one hundred eighty-three, four thousand one hundred eighty-eight and four thousand one hundred ninety-one of Howell's Annotated Statutes of this State and sections seven thousand one hundred thirty-two, seven thousand one hundred thirty-three, seven thousand one hundred thirty-eight and seven thousand one hundred forty-one of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. That sections one, two, seven and ten of act number seventy of the public acts of the State of Michigan for the year eighteen hundred eighty-one, entitled "An act to authorize the formation of electric light companies," being sections four thousand one hundred eighty-two, four thousand one hundred eighty-three, four thousand one hundred eighty-eight and four thousand one hundred ninety-one of Howell's Annotated Statutes of this State and sections seven thousand one hundred thirty-two, seven thousand one hundred thirty-three, seven thousand one hundred thirty-eight and seven thousand one hundred forty-one of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

How incorporations may be formed.

SECTION 1. That any number of persons, not less than five, who shall by articles of association in writing, associate, according to the provisions of this act, under any name assumed by them, for the purpose of engaging in the production of electricity and electrical light, and supplying any towns, cities, villages, counties, and the inhabitants thereof, and the corporations, copartnerships and joint stock companies doing business therein, with electricity for lighting, heating, motor and motive purposes, and for any other purpose for which the same is or may become of practical use, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, and any such company so formed shall be entitled to all the privileges conferred by, and be subject to the requirements of chapter one hundred thirty of the Compiled Laws of eighteen hundred seventy-one.

Articles of association, how signed, what state, etc.

SEC. 2. The articles of association of every such company shall be signed by the persons associating in the first instance, and shall be acknowledged before some person authorized by law to take acknowledgment of deeds, and shall state the name of the company, the term of the existence of such company,

which shall not exceed thirty years, the object for which such company shall be formed, the amount of capital stock of said company, the number of shares of which said stock shall consist, the names of the towns, cities and villages, and the counties in which the operations of said company are to be carried on, the names of the stockholders, their respective residences, and the number of shares of stock held by each, the number of directors of such company; and said articles shall also state the names of the first directors of the company, and the place where the business office of the corporation is located, and, when such office is without the limits of the State, the place where the office for the transaction of business within this State is located shall also be designated.

SEC. 7. The directors of every such corporation shall choose one of their number to be president, and one of their number to be vice president, and shall also choose the secretary and treasurer; and said directors may choose such other officers as the by-laws of the company shall prescribe, all of which officers shall hold their office until others are chosen in their stead: *Provided*, That if the stockholders shall so elect, the same person may hold the office of secretary and treasurer.

Officers, how
elected.

Proviso.

SEC. 10. Every such corporation shall keep an office within this State, and some official of such corporation constantly in charge thereof, upon whom process may be served, and shall have the right to acquire and hold all such real and personal property as shall be necessary for carrying on the business of such corporation, and shall have full power to produce, generate, furnish and sell such electricity and electrical light as may be desired in any city, town or village where such corporation carries on its business, for lighting public or private buildings, streets or grounds, and shall have the right to produce, generate, furnish and sell electricity to any person or persons, corporation or corporations, for lighting, heating, motor or motive purposes, or for the running or operating of electric cars or electric car lines, and for mining and milling purposes and for any other purpose for which the same is or may become of practical use, and such corporation shall have power to lay, construct and maintain conductors for conducting electricity through the streets, lands and squares of any such city, town, village or county, with the consent of the municipal authorities thereof, under such reasonable regulations as they may prescribe, and such corporation may make all such contracts and by-laws as may be deemed necessary and proper to carry into effect the foregoing powers.

Shall keep
office in State,
etc.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 97.]

AN ACT to amend act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the Assessment of Property, and the Levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter levied, making such Taxes a Lien on the Lands taxed, establishing and continuing such Lien, providing for the Sale and conveyance of Lands delinquent for Taxes, and for the inspection and disposition of Lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," the same being chapter ninety-eight of the Compiled Laws of eighteen hundred ninety-seven, by adding one section to be known as section one hundred and forty-four of said act, providing that in actions to set aside tax sales or taxes the Auditor General shall be made a party.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," the same being chapter ninety-eight of the compiled laws of eighteen hundred ninety-seven be and the same is hereby amended by adding thereto one section to be known as section one hundred and forty-four of said act, providing that in actions to set aside tax sales or taxes the Auditor General shall be made a party, as follows:

Auditor
General to be
made party
defendant.

SEC. 144. The Auditor General shall be made a party defendant to all actions or proceedings instituted for the purpose of setting aside any sale or sales for delinquent taxes on lands held as State tax lands, or which have been sold as such or which have been sold at annual tax sales, or for purpose of setting aside any taxes returned to him and for which sale has not been made; in all such cases a copy of the bill of complaint or petition shall be served upon the prosecuting attorney at the time of commencing the action, who shall send a copy thereof within five days to the Auditor General, which said service shall be in lieu of the service of process. Upon so being made a party, it shall be the duty of the Auditor General, whenever he shall, in his discretion, deem the same to be ex-

Bill of
complaint.

Attorney
General,
who to repre-
sent.

pedient, to the end that the State of Michigan may be fully protected, to cause the Attorney General to represent him in such proceedings. In any suit or proceedings instituted for the purpose in this section mentioned, no costs shall be taxed against either party to the action. Costs not to be taxed.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 98.]

AN ACT to amend section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a County and Township System of Roads, and to prescribe the Powers and Duties of the Officers having charge thereof," as amended by act number two hundred and fifty-one of the public acts of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having charge thereof," as amended by act number two hundred and fifty-one of the public acts of eighteen hundred and ninety-seven, be and the same hereby is amended so as to read as follows: Section amended.

SEC. 7. Any person elected county road commissioner shall, within ten days after being notified in writing, by the clerk of such county, of his election, take and subscribe the constitutional oath of office and file the same with said clerk. The term of office of the first commissioners elected in any county under this act shall commence immediately upon filing such oath of office, and shall continue for the term hereinafter provided, computing from the first day of May, then next following. The successor to each such commissioner shall be elected on the first Monday in April, in each year in which a regular session of the legislature is held preceding the expiration of his term. If the number of such commissioners be so fixed at two, they shall hold office for two and four years respectively from said first day of May, and thereafter one commissioner shall be biennially elected for the full term of four years. If the number of such commissioners shall be so fixed at three, they shall hold office for two, four and six years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of six years. If the number of such commissioners shall be so fixed at four, they shall hold office for two, four, six and eight years respectively Commissioner to subscribe and file oath of office.
Term of office.
When successor to be elected.
Duration of term of office.

from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of eight years. If the number of such commissioners shall be so fixed at five, they shall hold office for two, four, six, eight and ten years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of ten years: *Provided*, That in Wayne county the term of office of such road commissioner, and the time for the election of such commissioner or commissioners whether for the full term or to fill vacancy, shall be such as the board of supervisors of Wayne county shall fix. No member of the board of supervisors shall be eligible to the office of county road commissioner, and such offices shall not be held by the same person at the same time: *Provided further*, That the board of supervisors of any county where the county road system has been adopted and the number of road commissioners has been fixed by the board of supervisors at a greater number than two, may reduce the number to not less than two; and in case of a reduction in number as aforesaid no successors shall be elected to those commissioners whose terms shall soonest expire until the number of commissioners shall be reduced to the number specified by the board of supervisors, and thereafter successors shall be elected for the terms hereinbefore provided, depending upon the number at which said board of commissioners shall have been thus reduced and fixed by the board of supervisors: *Provided further*, That the board of supervisors of the county of Chippewa, by a two-thirds vote of the members elect, may reduce the number of road commissioners for said county, to one, which said commissioner shall hold his office for a term of two years as provided in this section, and until his successor is elected and qualified; that such commissioner shall, in addition to the other qualifications specified in this section, be required to execute and give such official bond as the board of supervisors of said county may determine, and shall make a complete report to the board of supervisors of said county at least once in each year, of all of his official acts, and at such other times as said board may require, and that said commissioner shall receive such compensation or salary as authorized by said board of supervisors.

This act is ordered to take immediate effect.

Approved June 1, 1899.

Proviso as to
Wayne county.

Supervisors
may reduce
number of
commissioners.

Proviso as to
Chippewa
county.

Commissioner
to give bond.

To make
report.

[No. 99.]

AN ACT making an appropriation for a deficiency in the current expenses of the Michigan Home for Feeble Minded and Epileptic occurring in the year eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That the sum of two thousand two hundred eighty dollars and seventy cents be and is hereby appropriated out of the general fund of the State to meet a deficiency in the current expenses of the Michigan Home for Feeble Minded and Epileptic for the said year, by reason of extraordinary expenditures made necessary in connection with the heating, plumbing and ventilation systems, in order to remedy certain defects therein, but which were unforeseen at the date the appropriation for the current expenses for eighteen hundred and ninety-seven was made. Appropriation.
amount of.

SEC. 2. The Auditor General shall incorporate in the State tax for eighteen hundred and ninety-nine, two thousand two hundred eighty dollars and seventy cents, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated. To be
incorporated in
State tax.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 100.]

AN ACT to amend section one of act number one hundred nine of the public acts of eighteen hundred ninety-five, entitled "An act to prevent the spread of the contagious diseases known as Yellows, Black Knot, Peach Rosette and Pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, by providing measures for the eradication of the same, and to repeal act number one hundred twelve of the public acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three."

The People of the State of Michigan enact:

SECTION 1. That the title and section one of act number one hundred nine of the public acts of eighteen hundred ninety-five, entitled "An act to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, by providing meas-

Title and
section
amended.

[No. 97.]

AN ACT to amend act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the Assessment of Property, and the Levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter levied, making such Taxes a Lien on the Lands taxed, establishing and continuing such Lien, providing for the Sale and conveyance of Lands delinquent for Taxes, and for the inspection and disposition of Lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," the same being chapter ninety-eight of the Compiled Laws of eighteen hundred ninety-seven, by adding one section to be known as section one hundred and forty-four of said act, providing that in actions to set aside tax sales or taxes the Auditor General shall be made a party.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," the same being chapter ninety-eight of the compiled laws of eighteen hundred ninety-seven be and the same is hereby amended by adding thereto one section to be known as section one hundred and forty-four of said act, providing that in actions to set aside tax sales or taxes the Auditor General shall be made a party, as follows:

Auditor
General to be
made party
defendant.

SEC. 144. The Auditor General shall be made a party defendant to all actions or proceedings instituted for the purpose of setting aside any sale or sales for delinquent taxes on lands held as State tax lands, or which have been sold as such or which have been sold at annual tax sales, or for purpose of setting aside any taxes returned to him and for which sale has not been made; in all such cases a copy of the bill of complaint or petition shall be served upon the prosecuting attorney at the time of commencing the action, who shall send a copy thereof within five days to the Auditor General, which said service shall be in lieu of the service of process. Upon so being made a party, it shall be the duty of the Auditor General, whenever he shall, in his discretion, deem the same to be ex-

Bill of
complaint.

Attorney
General,
who to repre-
sent.

pedient, to the end that the State of Michigan may be fully protected, to cause the Attorney General to represent him in such proceedings. In any suit or proceedings instituted for the purpose in this section mentioned, no costs shall be taxed against either party to the action. Costs not to be taxed.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 98.]

AN ACT to amend section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a County and Township System of Roads, and to prescribe the Powers and Duties of the Officers having charge thereof," as amended by act number two hundred and fifty-one of the public acts of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having charge thereof," as amended by act number two hundred and fifty-one of the public acts of eighteen hundred and ninety-seven, be and the same hereby is amended so as to read as follows: Section amended.

SEC. 7. Any person elected county road commissioner shall, within ten days after being notified in writing, by the clerk of such county, of his election, take and subscribe the constitutional oath of office and file the same with said clerk. The term of office of the first commissioners elected in any county under this act shall commence immediately upon filing such oath of office, and shall continue for the term hereinafter provided, computing from the first day of May, then next following. The successor to each such commissioner shall be elected on the first Monday in April, in each year in which a regular session of the legislature is held preceding the expiration of his term. If the number of such commissioners be so fixed at two, they shall hold office for two and four years respectively from said first day of May, and thereafter one commissioner shall be biennially elected for the full term of four years. If the number of such commissioners shall be so fixed at three, they shall hold office for two, four and six years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of six years. If the number of such commissioners shall be so fixed at four, they shall hold office for two, four, six and eight years respectively Commissioner to subscribe and file oath of office. Term of office. When successor to be elected. Duration of term of office.

from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of eight years. If the number of such commissioners shall be so fixed at five, they shall hold office for two, four, six, eight and ten years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of ten years: *Provided*, That in Wayne county the term of office of such road commissioner, and the time for the election of such commissioner or commissioners whether for the full term or to fill vacancy, shall be such as the board of supervisors of Wayne county shall fix. No member of the board of supervisors shall be eligible to the office of county road commissioner, and such offices shall not be held by the same person at the same time: *Provided further*, That the board of supervisors of any county where the county road system has been adopted and the number of road commissioners has been fixed by the board of supervisors at a greater number than two, may reduce the number to not less than two; and in case of a reduction in number as aforesaid no successors shall be elected to those commissioners whose terms shall soonest expire until the number of commissioners shall be reduced to the number specified by the board of supervisors, and thereafter successors shall be elected for the terms hereinbefore provided, depending upon the number at which said board of commissioners shall have been thus reduced and fixed by the board of supervisors: *Provided further*, That the board of supervisors of the county of Chippewa, by a two-thirds vote of the members elect, may reduce the number of road commissioners for said county, to one, which said commissioner shall hold his office for a term of two years as provided in this section, and until his successor is elected and qualified; that such commissioner shall, in addition to the other qualifications specified in this section, be required to execute and give such official bond as the board of supervisors of said county may determine, and shall make a complete report to the board of supervisors of said county at least once in each year, of all of his official acts, and at such other times as said board may require, and that said commissioner shall receive such compensation or salary as authorized by said board of supervisors.

This act is ordered to take immediate effect.

Approved June 1, 1899.

Proviso as to
Wayne county.

Supervisors
may reduce
number of
commissioners.

Proviso as to
Chippewa
county.

Commissioner
to give bond.

To make
report.

[No. 99.]

AN ACT making an appropriation for a deficiency in the current expenses of the Michigan Home for Feeble Minded and Epileptic occurring in the year eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That the sum of two thousand two hundred eighty dollars and seventy cents be and is hereby appropriated out of the general fund of the State to meet a deficiency in the current expenses of the Michigan Home for Feeble Minded and Epileptic for the said year, by reason of extraordinary expenditures made necessary in connection with the heating, plumbing and ventilation systems, in order to remedy certain defects therein, but which were unforeseen at the date the appropriation for the current expenses for eighteen hundred and ninety-seven was made.

Appropriation.
amount of.

SEC. 2. The Auditor General shall incorporate in the State tax for eighteen hundred and ninety-nine, two thousand two hundred eighty dollars and seventy cents, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

To be
incorporated in
State tax.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 100.]

AN ACT to amend section one of act number one hundred nine of the public acts of eighteen hundred ninety-five, entitled "An act to prevent the spread of the contagious diseases known as Yellows, Black Knot, Peach Rosette and Pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, by providing measures for the eradication of the same, and to repeal act number one hundred twelve of the public acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three."

The People of the State of Michigan enact:

SECTION 1. That the title and section one of act number one hundred nine of the public acts of eighteen hundred ninety-five, entitled "An act to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, by providing meas-

Title and
section
amended.

ures for the eradication of the same, and to repeal act number one hundred twelve of the public acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three," be and the same are hereby amended so as to read as follows: "An act to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette, little peach and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, by providing measures for the eradication of the same, and to repeal act number one hundred twelve of the public acts of eighteen hundred ninety-three, approved May twenty-five, eighteen hundred ninety-three."

Unlawful to keep trees infected with contagious diseases.

Tree and fruit subject to destruction.

Duty of persons owning infected trees.

SECTION 1. That it shall be unlawful for any person to keep any peach, almond, apricot, plum, prune, cherry, nectarine or pear tree infected with the contagious diseases known as yellows, black knot, peach rosette, little peach or pear blight, or to offer for sale or shipment, or to sell or to ship any of the fruit thereof, except the fruit of the plum, cherry and pear tree; that both tree and fruit so infected shall be subject to destruction as public nuisances, as hereinafter provided. No damages shall be awarded in any court in the State for entering upon the premises and destroying such diseased trees, or parts of trees, or fruit, if done in accordance with the provisions of this act. It shall be the duty of every person, as soon as he becomes aware of the existence of such disease in any tree, parts of trees or fruit owned by him, to forthwith destroy or cause said trees or fruit to be destroyed.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 101.]

AN ACT appropriating money for improvements and repairs at the Michigan State Prison, at Jackson, and improving the sewerage in Grand River.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That the sum of seventy thousand five hundred dollars be, and the same is hereby appropriated, out of the general fund of the State, for the years eighteen hundred and ninety-nine and nineteen hundred to be expended under the direction of the Board of Control of the Michigan State Prison, to-wit:

For kitchen, etc.

For building new kitchen and dining room, including ovens and refrigerator, complete, twenty thousand dollars.

New wall, guard house, etc.

For building new wall on north side prison yard, one thousand and five feet in length, five feet wide at base, three and

one-half feet wide at top of wall, being an average height from base to top of thirty feet, including two guard houses and railroad gate entrance, twenty-two thousand five hundred dollars.

For the purchase of two sixteen feet, sixty inch boilers, including boiler steam fixtures, boiler fronts, grates and material and labor for setting of the same the sum of five thousand dollars. Boilers.

For general repairs for the years eighteen hundred and ninety-nine and nineteen hundred, the sum of eight thousand dollars. General repairs.

For improving the sewerage on Grand river from the south line of prison grounds north along said Grand river by straightening, deepening and dyking the banks on each side of the stream for a sufficient distance to furnish a current in said stream of sufficient force to carry off all the foul matter coming from the prison sewerage into Grand river, the sum of fifteen thousand dollars: *Provided*, That no portion of said amount, viz.: for drainage, shall be used until the board of said prison and the State Board of Corrections and Charities are fully satisfied that the city of Jackson will appropriate a sum sufficient to complete said drainage plan on Grand river. Sewerage.
Proviso.

SEC. 2. The sum appropriated by this act shall be placed to the credit of the Michigan State Prison at Jackson, and paid on the order of the Board of Control at such times and in such amounts as may be necessary to complete these improvements. Appropriation,
how credited
and paid.

SEC. 3. The Auditor General shall add to and incorporate with the tax for the year eighteen hundred and ninety-nine the sum of thirty-five thousand five hundred dollars, and for the year nineteen hundred the sum of thirty-five thousand dollars, which sum when collected shall be placed to the credit of the general fund. To be incorporated in
State tax.

This act is ordered to take immediate effect.

Approved June 5, 1899.

[No. 102.]

AN ACT to amend section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to extend aid to the University of Michigan, and to repeal an act entitled 'An act to extend aid to the University of Michigan,' approved March fifteenth, eighteen hundred sixty-seven, being sections three thousand five hundred six and three thousand five hundred seven of the Compiled Laws of eighteen hundred seventy-one," as amended by act number nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to amend section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled 'An act to extend aid to the University of Michigan, and repeal an act entitled "An act to extend aid to the University of Michigan," approved March fifteenth, eighteen hundred sixty-seven," the same being compiler's section eighteen hundred seven of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to extend aid to the University of Michigan, and to repeal an act entitled 'An act to extend aid to the University of Michigan,' approved March fifteenth, eighteen hundred sixty-seven, being sections three thousand five hundred six and three thousand five hundred seven of the Compiled Laws of eighteen hundred seventy-one," as amended by act number nineteen of the Public Acts of eighteen hundred ninety-three, entitled "An act to amend section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled 'An act to extend aid to the University of Michigan and repeal an act entitled "An act to extend aid to the University of Michigan,' approved March fifteenth, eighteen hundred sixty-seven," the same being compiler's section eighteen hundred seven of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

One-fourth mill
tax, how as-
sessed and
paid.

SECTION 1. There shall be assessed upon the taxable property of the State as fixed by the State Board of Equalization, in the year eighteen hundred ninety-nine and in each year thereafter, for the use and maintenance of the University of Michigan, the sum of one-fourth of a mill on each dollar of said taxable property to be assessed and paid into the State treasury of the State in like manner as other State taxes are by law levied, assessed and paid; which tax, when collected, shall be paid by the State Treasurer to the Board of Regents of the University in like manner as the interest on the University fund is paid to the treasurer of said board; and the regents of the University shall make an annual report to the Governor

Regents to
make annua
report to
Governor.

of the State of all the receipts and expenditures of the University: *Provided*, That the Board of Regents shall not authorize the building or the commencement of any additional building or buildings or other extraordinary repairs until the accumulation of savings from this fund shall be sufficient to complete such building or other extraordinary expense: *Also provided*, That the Board of Regents of the University shall maintain at all times a sufficient corps of instructors in all the departments of said University as at present constituted, shall afford proper means and facilities for instruction and graduation in each department of said University, and shall make a fair and equitable division of the funds provided for the support of the University in accord with the wants and needs of said departments as they shall become apparent; said departments being known as the Department of Literature, Science and Art, Department of Medicine and Surgery, Department of Law, School of Pharmacy, Homeopathic Medical College and the Department of Dental Surgery. Should the Board of Regents fail to maintain any of said departments herein provided, then at such time shall only one-twentieth of a mill be so assessed: *Provided, further*, That the State Treasurer be and is hereby authorized and directed to pay to the regents of the University, in the year eighteen hundred ninety-nine and each year thereafter, in such manner as is now provided by law, upon the warrant of the Auditor General, the amount of the mill tax provided for by this act; and that the State Treasury be reimbursed out of the taxes annually received from said mill tax when collected; and said Auditor General shall issue his warrants therefor as in the case of special appropriations.

Proviso as to
buildings.

Proviso as to
instructors.

Division of
funds.

Tax reduced on
failure to main-
tain depart-
ments.

Proviso.

This act is ordered to take immediate effect.

Approved June 7, 1899.

When Land Commissioner to appraise value of land.	no application has been to homestead certain descriptions of said lands, then and in such case said lands concerning which there has been no application to homestead shall be open to sale and purchase as hereinafter provided. In case written application shall be made to the Commissioner of the State Land Office to purchase any description of said lands so held by the State for more than three years, as herein stated, it shall then be the duty of the Commissioner of the State Land Office to examine and appraise the value of the land so offered to be purchased as aforesaid. The Commissioner of the State Land Office shall make a record of said appraisement in a book to be kept in his office for that purpose. After such examination and appraisement, if there has been no application to homestead said lands it shall be competent and the Commissioner of the State Land Office is hereby authorized to sell such description of land to any person so applying for the purchase thereof, but at not less than the appraised valuation and he shall not be authorized to sell to any one person over two hundred and forty acres of said land. In case of the sale of said lands the Commissioner of the State Land Office shall execute and deliver to the purchaser a deed in such form as he may determine, which shall convey to the purchaser the same interest as is provided for a deed where said lands have been homesteaded as provided in this section. All moneys received by the Commissioner of the State Land Office upon the sale of said lands as provided under the last above proviso shall by him be deposited in the State Treasury to the credit of the State, county and township wherein said lands are situated in proportion to the amount of taxes due to the State, county and township upon the land so sold by the Commissioner of the State Land Office at the time of the conveyance to the State of such lands.
When Land Commissioner may sell land.	
Limit of amount.	
Deed.	
Moneys received, how credited.	
When lands become taxable.	<p>SEC. 133. Whenever any person has perfected his title to any such lands, and a deed for the same has been issued by the State to such person, the Commissioner of the State Land Office shall so notify the county treasurer of the proper county that such lands are again and thereafter taxable as other lands. And they shall thereafter be assessed to such owner or occupant as other lands are assessed for all purposes. The county treasurer shall serve, or cause to be served, upon the supervisor of each township in which such lands are located, on or before the fifteenth of April, a copy of the list of lands in his township, so furnished to said county treasurer by the Commissioner of the State Land Office. Said supervisor shall produce said list to the board of review, while in session, for the purpose of reviewing the assessment roll, and all such lands shall be placed upon the assessment roll. All acts and parts of acts in anywise contravening any of the provisions of this act are hereby repealed.</p> <p>This act is ordered to take immediate effect.</p> <p>Approved June 8, 1899.</p>
Duty of county treasurer as to taxation of lands.	
Repealing clause.	

[No. 108.]

AN ACT making appropriations for building and special purposes for the State Agricultural College for the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred one, and to provide a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for the State Agricultural College for the fiscal year ending June thirty, nineteen hundred, and the fiscal year ending June thirty, nineteen hundred one, the sum of one hundred thirty-two thousand dollars, by amounts and purposes as follows: Appropriation, amount of.
 Eighty-three thousand dollars for a woman's building; twelve thousand dollars for heating and furnishing the same; fifteen thousand dollars for a dairy building; four thousand dollars for a farm barn; ten thousand dollars for repairs of buildings; two thousand five hundred dollars for renewing heating apparatus in Williams and Wells Hall; five hundred dollars for fire escapes for Williams and Wells Halls; five thousand dollars for students' labor—a total of one hundred thirty-two thousand dollars, of which total appropriation one-half shall be made for the fiscal year ending June thirty, nineteen hundred, and one-half for the fiscal year ending June thirty, nineteen hundred one, and shall apply to such specific items as best suits the needs of the management of the college. Purposes.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Board of Agriculture at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. Money, how drawn.

SEC. 3. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of sixty-six thousand dollars, and for the year nineteen hundred the sum of sixty-six thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated. To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 109.]

AN ACT to amend section two of Act number twenty-five of the Public Acts of eighteen hundred eighty-seven, entitled "An act to Provide for Three Additional Judges for the third Judicial Circuit," as amended by Act number one hundred thirteen of the Public Acts of eighteen hundred ninety-five, entitled "An Act to Amend section two of Act number twenty-five of the Public Acts of eighteen hundred eighty-seven," approved March nine, eighteen hundred eighty-seven, entitled 'An Act to Provide for Three Additional Circuit Judges for the third Judicial Circuit,' so as to provide for the appointment of a clerk for the Judges of said Circuit," the same being section six thousand four hundred eighty b volume three of Howell's Annotated Statutes, and section two hundred seventy-two of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of Act number twenty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for three additional judges for the third judicial circuit," as amended by act number one hundred thirteen of the public acts of eighteen hundred ninety-five, entitled, "An act to amend section two of act number twenty-five of the public acts of eighteen hundred eighty-seven," approved March nine, eighteen hundred eighty-seven, entitled 'An act to provide for three additional judges for the third judicial circuit,' so as to provide for the appointment of a clerk for the judges of said circuit," the same being section six thousand four hundred eighty b, volume three of Howell's Annotated Statutes, and section two hundred seventy-two of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Co-ordinate
power of each
judge.

SEC. 2. Whenever any cause, matter or proceeding, or any motion, application or other business shall be assigned to one of said judges, a journal entry thereof shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him with the same force and effect as if he were the only judge of said circuit, and subject to and with the power and authority conferred by all the rules of practice, and of the law applicable to circuit courts having only one judge, and thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room, or in a separate room attended by the clerk, or one of his deputies, by a stenographer and by jurymen not engaged in the trial of other causes, and if it be a cause to be tried by a jury, and such judge while so sitting for the transaction of business shall have all the powers of any circuit judge sitting in any circuit court in

this State, and the proceedings shall be regarded as proceedings of the circuit court had in open court and at a session of said circuit court. If a sufficient number of jurors shall not be in attendance upon the court and not engaged in the trial of other causes, said judge may direct talesmen to be summoned as required by law. The said judges may make rules from time to time in relation to the making up of the trial docket, and as to the disposition of the business of the court, not inconsistent with any general laws of this State. The Governor of the State may, upon the recommendation of said judges, appoint a clerk, who may be removed in like manner and his successor appointed. The business of said clerk shall be to render such assistance as said judges may require in arranging the business of said courts. He shall receive a salary of two thousand dollars per annum, to be paid in monthly installments by the county of Wayne.

Proceedings.
how regarded.

Jury-men.

Governor may
appoint clerk.

Compensation.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 110.]

AN ACT to provide for Prior Liens against the Property of Railroad Companies and Street Railway Companies/in certain cases.

The People of the State of Michigan enact:

SECTION 1. That when any person shall have any claim for the labor of himself or any minor child against any railroad company or street railway company, organized and doing business under any of the laws of this State, and which claim shall be duly presented to the proper officer of said company, and shall remain unpaid for a period of ten days after such presentation, said claim shall constitute a lien upon all the property, both real and personal, of said corporation, and shall be a prior lien to any and all judgments or attachments which may be existing against said corporation, by reason of any other debt, claim or demand, than those claims or demands against said corporation for personal work or labor. All persons employed by said corporation shall have the advantages of this act, in whatever capacity they may be employed.

Labor claims
against certain
corporations to
constitute a
lien.

SEC. 2. All claims arising out of the death or personal injury of any person, when such death or personal injury shall result from the negligence of any street railway company or steam railroad company, organized and doing business under the laws of this State, shall, after judgment is obtained therefor, against any such corporation, constitute a lien upon all of the assets of said corporation, and all of the property thereof,

Death or per-
sonal injury
claims after
judgment to
constitute lien.

[No. 109.]

AN ACT to amend section two of Act number twenty-five of the Public Acts of eighteen hundred eighty-seven, entitled "An act to Provide for Three Additional Judges for the third Judicial Circuit," as amended by Act number one hundred thirteen of the Public Acts of eighteen hundred ninety-five, entitled "An Act to Amend section two of Act number twenty-five of the Public Acts of eighteen hundred eighty-seven," approved March nine, eighteen hundred eighty-seven, entitled 'An Act to Provide for Three Additional Circuit Judges for the third Judicial Circuit,' so as to provide for the appointment of a clerk for the Judges of said Circuit," the same being section six thousand four hundred eighty b volume three of Howell's Annotated Statutes, and section two hundred seventy-two of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of Act number twenty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for three additional judges for the third judicial circuit," as amended by act number one hundred thirteen of the public acts of eighteen hundred ninety-five, entitled, "An act to amend section two of act number twenty-five of the public acts of eighteen hundred eighty-seven," approved March nine, eighteen hundred eighty-seven, entitled 'An act to provide for three additional judges for the third judicial circuit,' so as to provide for the appointment of a clerk for the judges of said circuit," the same being section six thousand four hundred eighty b, volume three of Howell's Annotated Statutes, and section two hundred seventy-two of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Co-ordinate
power of each
judge.

SEC. 2. Whenever any cause, matter or proceeding, or any motion, application or other business shall be assigned to one of said judges, a journal entry thereof shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him with the same force and effect as if he were the only judge of said circuit, and subject to and with the power and authority conferred by all the rules of practice, and of the law applicable to circuit courts having only one judge, and thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room, or in a separate room attended by the clerk, or one of his deputies, by a stenographer and by jurymen not engaged in the trial of other causes, and if it be a cause to be tried by a jury, and such judge while so sitting for the transaction of business shall have all the powers of any circuit judge sitting in any circuit court in

this State, and the proceedings shall be regarded as proceedings of the circuit court had in open court and at a session of said circuit court. If a sufficient number of jurors shall not be in attendance upon the court and not engaged in the trial of other causes, said judge may direct talesmen to be summoned as required by law. The said judges may make rules from time to time in relation to the making up of the trial docket, and as to the disposition of the business of the court, not inconsistent with any general laws of this State. The Governor of the State may, upon the recommendation of said judges, appoint a clerk, who may be removed in like manner and his successor appointed. The business of said clerk shall be to render such assistance as said judges may require in arranging the business of said courts. He shall receive a salary of two thousand dollars per annum, to be paid in monthly installments by the county of Wayne.

Proceedings,
how regarded.

Jurymen.

Governor may
appoint clerk.

Compensation.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 110.]

AN ACT to provide for Prior Liens against the Property of Railroad Companies and Street Railway Companies/in certain cases.

The People of the State of Michigan enact:

SECTION 1. That when any person shall have any claim for the labor of himself or any minor child against any railroad company or street railway company, organized and doing business under any of the laws of this State, and which claim shall be duly presented to the proper officer of said company, and shall remain unpaid for a period of ten days after such presentation, said claim shall constitute a lien upon all the property, both real and personal, of said corporation, and shall be a prior lien to any and all judgments or attachments which may be existing against said corporation, by reason of any other debt, claim or demand, than those claims or demands against said corporation for personal work or labor. All persons employed by said corporation shall have the advantages of this act, in whatever capacity they may be employed.

Labor claims
against certain
corporations to
constitute a
lien.

SEC. 2. All claims arising out of the death or personal injury of any person, when such death or personal injury shall result from the negligence of any street railway company or steam railroad company, organized and doing business under the laws of this State, shall, after judgment is obtained therefor, against any such corporation, constitute a lien upon all of the assets of said corporation, and all of the property thereof,

Death or per-
sonal injury
claims after
judgment to
constitute lien.

and all of its rights and franchises, and over any and all other judgments, executions or attachments levied upon said property, except such as may be issued in favor of persons having obtained judgments for personal work and labor of themselves or their minor children.

Duty of courts.

SEC. 3. It shall be the duty of all courts of this State, in which proceedings may be pending, for the foreclosure of any mortgage, trust deed or other lien upon any of the property of any street railway company or steam railroad company, doing business in this State, to cause said company, before final decree is entered in said cause, to file with said court, through the register thereof, a statement of all claims and demands made against said company by any and all persons for personal work or labor, and for damages resulting from death or personal injuries, and which claim shall have arisen within six years prior to the date of filing the same with said court. And it shall be the duty of said court, upon the filing of the same, to notify any and all persons interested in said claims, or their attorneys, to be and appear before said court upon a certain day to present their said claims, and the proof thereof, when such claims are claims for personal work and labor, and to inform said court in case of claims for personal injury or death, whether it is the design of said claimant to prosecute the same to final judgment or not.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 111.]

AN ACT to prohibit the Catching of Bass in Bear Lake, in Charlevoix County, at certain times, and to Provide a Penalty for the Violation of this Act.

The People of the State of Michigan enact:

Open and
closed season
for taking bass
in certain
waters..

SECTION 1. That it shall be unlawful, and is prohibited to take, catch, or kill, or attempt to take, catch or kill, in any manner or by any means whatsoever, in the waters of Bear Lake, in Charlevoix county, or any waters tributary thereto, any Bass from and after the First day of November in each year, and up to and including the succeeding fourteenth of June of each year.

Violation a
misdemeanor.

SEC. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars and not exceeding one hundred and twenty-five dollars, and costs of prosecution, or by imprisonment in the county jail not less than thirty days and not exceeding six

Penalty.

months, or by both such fine and imprisonment in the discretion of the court, and in all cases when a fine and costs is imposed the court shall sentence the offender to be confined in the county jail until such fine and costs are paid for any period not exceeding six months. And in all cases where a fine and imprisonment is imposed the sentence shall provide that if the fine and costs is not paid at the time such imprisonment expires, the person serving out such sentence shall be further detained in jail until such fine and costs are fully paid for any period to be stated: *Provided*, The whole term of imprisonment shall not exceed six months. Proviso.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 112.]

AN ACT to amend section thirty-four of act number one hundred eighty-three of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," approved May twenty-nine, eighteen hundred ninety-seven, being section three hundred ninety-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section thirty-four of act number one hundred eighty-three of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit stenographers in the State of Michigan," approved May twenty-ninth, eighteen hundred ninety-seven, being section three hundred ninety-six of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 34. In the twenty-first circuit the stenographer shall be paid an annual salary of fifteen hundred dollars, and the circuit judge shall forthwith apportion the same in accordance with the provisions of section thirteen of this act. Compensation of stenographer.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 113.]

AN ACT making appropriations for the Central Michigan Normal School at Mt. Pleasant, for the six months ending June thirty, eighteen hundred ninety-nine, and for the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to provide for a Tax to meet the same.

The People of the State of Michigan enact:

Appropriation,
amount of.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Central Michigan Normal School, for the six months ending June thirty, eighteen hundred ninety-nine, the sum of twelve thousand five hundred dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of twenty-five thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of twenty-five thousand dollars.

Further
appropriation.

SEC. 2. The further sum of forty-three thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Forty-three thousand dollars for additions to the Normal building, furnishing the same, and for improvement of the grounds.

Money, how
paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Board of Education, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incor-
porated in
State tax.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine, the sum of seventy-four thousand two hundred fifty dollars; for the year nineteen hundred, the sum of twenty-five thousand dollars, and for the year nineteen hundred and one, the sum of six thousand two hundred fifty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 114.]

AN ACT to provide for the location, establishment and maintenance of a State Agricultural and Horticultural Experiment Station in the Upper Peninsula and to make an appropriation therefor.

The People of the State of Michigan enact:

SECTION 1. That the members of the official board of the Agricultural College of this State shall ex-officio constitute a board of locating and building commissioners for the purpose of selecting a site and erecting the necessary buildings thereon for a State Agricultural and Horticultural Experiment Station in the Upper Peninsula.

Who to select site, etc.

SEC. 2. The said board of commissioners may receive by donation within six months from and after the approval of this act in some portion of the upper peninsula which seems to them most suitable for the above mentioned purpose a tract of land containing not less than eighty acres.

May receive donation of land.

SEC. 3. That the deed for such site shall be duly executed to the people of this State and delivered to the Auditor General.

Deed, how executed.

SEC. 4. If, after the selection of such site, it be found necessary, the said board shall have power and it shall be their duty to procure and adopt plans, specifications and estimates and to erect suitable buildings thereon and the said board shall carry on such experiments pertaining to agriculture and horticulture as in their judgment will be most beneficial to the agricultural interests of the upper peninsula, and they shall have full control of the management of said experiment station: *Provided however*, That the entire cost of said buildings shall not exceed the sum of two thousand five hundred dollars.

Power to adopt plans and specifications, erect buildings, etc.

Proviso as to cost.

SEC. 5. Upon the adoption of plans and specifications by said board, they shall advertise for a time not less than four weeks in such papers as they may select in said upper peninsula for proposals for constructing said buildings in accordance with the plans and specifications. All contracts for labor or materials to be used in the erection and construction of the buildings provided for by this act requiring an expenditure of more than three hundred dollars shall be let to the lowest bidder or bidders, the advertisement thus provided for to specify the time and place where the bids or proposals made in pursuance thereof shall be opened; all bids or proposals thus made shall be sealed and shall not be opened at any time or place other than that designated in the advertisement; all or any bids or proposals received by said board may be by them rejected and whether accepted or rejected shall after decisions thereon by said board be deposited in the office of the Secretary of State.

Advertise for proposals.

Contracts, how let.

Bids to be sealed.

Where deposited, etc.

SEC. 6. In letting contracts, said board shall not obligate the State to pay any contractor any money other than that to which said contractor may be justly entitled by reason of labor or materials already furnished or supplied, and in no event shall more than seventy-five per cent of the amount called for in any contract be paid to the contractor named therein before the completion of his contract and its acceptance by said board: *Provided*, That every contractor perform-

Payment to contractors, limit of amount, etc.

Proviso as to
contractor's
bond.

ing service or work or furnishing materials under this act shall enter into such bonds with sureties for the proper performance of his contract as shall be required by the board of commissioners.

Actual travel-
ing expenses
allowed.

SEC. 7. Each of the members of said board of locating and building commissioners shall be entitled to receive his actual traveling expenses in the discharge of his duties under this act.

Appropriation,
how provided
for.

SEC. 8. And there is hereby appropriated for the purpose of carrying out the provisions of this act the sum of five thousand dollars and the same shall be incorporated in the State tax as follows, to-wit: For the year eighteen hundred and ninety-nine, two thousand five hundred dollars; for the year nineteen hundred, two thousand five hundred dollars, and the sums when collected shall be placed by the Auditor General to the credit of said experiment station fund and may be drawn by the treasurer of said board upon warrants made by their secretary and approved by the president of said board. And the treasurer above mentioned is hereby required to give his bond to the people of this State in the penal sum of double the amount that is liable to come into his hands under the provisions of this act. The amount of said bond to be determined by said board.

Treasurer to
give bond.

Secretary to
make report to
Auditor
General.

SEC. 9. It shall be the duty of the secretary of said board to render semi-annually to the Auditor General accounts current of all cash transactions and all moneys received, with the proper vouchers, and no money shall be drawn by virtue of this act by said board unless they shall have first filed with the Auditor General an estimate and statement showing the purpose for which money is required, also have made the semi-annual account of all moneys previously drawn.

Money, when
may be drawn.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 115.]

AN ACT to create a State Board of Library Commissioners, to Promote the Establishment and Efficiency of Free Public Libraries, and to provide an Appropriation therefor.

The People of the State of Michigan enact:

Governor to
appoint library
commissioners.

SECTION 1. The Governor, with the advice and consent of the Senate, shall appoint four persons, residents of this State, who, together with the State librarian, who shall be a member ex-officio, shall constitute a board of library commissioners.

Term of office.

Two members of said board shall be appointed for a term of four years and two for a term of two years, and thereafter the term of office shall be four years. All vacancies occurring in

the appointive membership of said board, whether by expiration of term of office or otherwise, shall be filled by the Governor, with the advice and consent of the Senate.

Vacancies, how filled.

SEC. 2. It shall be the duty of the library commission to give advice and counsel to all free libraries in the State, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing, and all other details of library management. In January of each year the board shall make a report to the Governor of its doings, of which report one thousand copies shall be printed by the State printer for the use of the board.

Duty of board.

To make report.

SEC. 3. It shall be the duty of all free libraries organized under the laws of the State, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and form such rules as the board may prescribe.

Free libraries to make annual report.

SEC. 4. No member of the Board of Library Commissioners shall receive any compensation for his services, except that the board may appoint one of their number to act as secretary, and such secretary may receive such sum as shall be agreed upon by the board, not exceeding three hundred dollars annually, for clerical services. The board shall be entitled to expend a sum not to exceed five hundred dollars in any one year for supplies and incidentals and for the actual and necessary expenses of its members in the discharge of their duties. The accounts of the board shall be audited by the State Board of Auditors, and paid out of the general fund.

Compensation of board.

Sums may expend for expenses, supplies, etc.

Accounts, how audited

SEC. 5. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-nine, and every year thereafter, the sum of eight hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum when collected shall be placed to the credit of the general fund to reimburse it for the sums authorized to be expended under this act.

To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 116.]

AN ACT to amend section one of chapter seventy of the revised statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estates of intestates," as amended, being section five thousand eight hundred forty-seven of Howell's Annotated Statutes, and section nine thousand three hundred twenty-two of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of chapter seventy of the Revised Statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estates of intestates," as amended, the same being section five thousand eight hundred forty-seven of Howell's Annotated Statutes, and section nine thousand three hundred twenty-two of the Compiled Laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

Application
and distribu-
tion of estates.

9322. SEC. 1. When any person shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

Widows.
38 Ill., 526.

First. The widow, if any, shall be allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, and other personal property, to be selected by her, not exceeding in value two hundred dollars, and the allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

Family during
settlement
of estate.

Second. The widow and children constituting the family of the deceased shall have such reasonable allowance out of the personal estate and the income of the real estate as the probate court shall judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which, in case of an insolvent estate, shall not be longer than one year after granting administration nor for any time after the dower and personal estate shall be assigned to the widow.

Children under
ten years with-
out mother.

Third. When a person shall die leaving children under ten years of age, having no mother, or when the mother shall die before the children shall arrive at the age of ten years, an allowance shall be made for the necessary maintenance of such children until they shall arrive at the age of ten years, out of such part of the personal estate and the income of the real estate as would have been assigned to the mother if she had been living.

Widow, and
children
under ten.

Fourth. If, on the return of the inventory of any intestate estate, it shall appear that the value of the whole estate does

not exceed the sum of one hundred fifty dollars over and above the allowance above provided, the probate court may, by a decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under ten years of age if there be no widow, the whole of such estate, after the payment of the funeral charges and expenses of administration.

Fifth. If the personal estate shall amount to more than one hundred fifty dollars, and more than the allowance mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and of settling his estate. Payment of debts, etc.

Sixth. The residue, if any, of the personal estate shall be distributed as follows: One-third thereof to the widow of the deceased, and the remaining two-thirds to his children, or the issue of any deceased child or children, if any there be, by right of representation, except that if there be but one child, or the issue of such child living, then to the widow one-half of such residue and to such child, or the issue thereof, the other half, and if there be no widow nor child of the intestate living at his death, his estate shall be distributed to all his lineal descendants, and if all such descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take by right of representation. In case the deceased shall leave a widow and no children, or the issue of any deceased child him surviving, then such residue, if it shall not exceed the sum of three thousand dollars, shall go to such widow, and if it exceed the sum of three thousand dollars such excess shall be distributed, one-half to such widow and the other half to the father and mother of the deceased, if living, in equal shares; if either parent be deceased, such share shall go to the survivor, and if both parents be deceased, such share shall be distributed equally to the brothers and sisters and the children of any deceased brother or sister by right of representation. And if there shall be neither father nor mother, nor brother nor sister, nor children of such brother or sister surviving, then such residue shall go to the widow. In any other case the residue, if any, of the personal estate shall be distributed in the same proportion and to the same persons, and for the same purposes, as prescribed for the descent and disposition of the real estate. Distribution of residue of.

Seventh. In case any *femme covert* shall die possessed of any personal estate, her sole property, or any right or interest therein, not lawfully disposed of by her last will and testament, the same shall, after the debts of the deceased, funeral charges and expenses of administration are paid, be distributed as follows: One-third to the husband, and the remaining two-thirds to her children, or the issue of any deceased child or children if any there be, by right of representation, except that if there be but one child, or the issue of a deceased child her surviving, then such residue shall be divided between Femme covert
Distribution of estate.

[No. 116.]

AN ACT to amend section one of chapter seventy of the revised statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estates of intestates," as amended, being section five thousand eight hundred forty-seven of Howell's Annotated Statutes, and section nine thousand three hundred twenty-two of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of chapter seventy of the Revised Statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estates of intestates," as amended, the same being section five thousand eight hundred forty-seven of Howell's Annotated Statutes, and section nine thousand three hundred twenty-two of the Compiled Laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

Application
and distribu-
tion of estates.

9322. SEC. 1. When any person shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

Widows,
38 Ill., 526.

First. The widow, if any, shall be allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, and other personal property, to be selected by her, not exceeding in value two hundred dollars, and the allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

Family during
settlement
of estate.

Second. The widow and children constituting the family of the deceased shall have such reasonable allowance out of the personal estate and the income of the real estate as the probate court shall judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which, in case of an insolvent estate, shall not be longer than one year after granting administration nor for any time after the dower and personal estate shall be assigned to the widow.

Children under
ten years with-
out mother.

Third. When a person shall die leaving children under ten years of age, having no mother, or when the mother shall die before the children shall arrive at the age of ten years, an allowance shall be made for the necessary maintenance of such children until they shall arrive at the age of ten years, out of such part of the personal estate and the income of the real estate as would have been assigned to the mother if she had been living.

Widow, and
children
under ten.

Fourth. If, on the return of the inventory of any intestate estate, it shall appear that the value of the whole estate does

not exceed the sum of one hundred fifty dollars over and above the allowance above provided, the probate court may, by a decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under ten years of age if there be no widow, the whole of such estate, after the payment of the funeral charges and expenses of administration.

Fifth. If the personal estate shall amount to more than one hundred fifty dollars, and more than the allowance mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and of settling his estate. Payment of debts, etc.

Sixth. The residue, if any, of the personal estate shall be distributed as follows: One-third thereof to the widow of the deceased, and the remaining two-thirds to his children, or the issue of any deceased child or children, if any there be, by right of representation, except that if there be but one child, or the issue of such child living, then to the widow one-half of such residue and to such child, or the issue thereof, the other half, and if there be no widow nor child of the intestate living at his death, his estate shall be distributed to all his lineal descendants, and if all such descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take by right of representation. In case the deceased shall leave a widow and no children, or the issue of any deceased child him surviving, then such residue, if it shall not exceed the sum of three thousand dollars, shall go to such widow, and if it exceed the sum of three thousand dollars such excess shall be distributed, one-half to such widow and the other half to the father and mother of the deceased, if living, in equal shares; if either parent be deceased, such share shall go to the survivor, and if both parents be deceased, such share shall be distributed equally to the brothers and sisters and the children of any deceased brother or sister by right of representation. And if there shall be neither father nor mother, nor brother nor sister, nor children of such brother or sister surviving, then such residue shall go to the widow. In any other case the residue, if any, of the personal estate shall be distributed in the same proportion and to the same persons, and for the same purposes, as prescribed for the descent and disposition of the real estate. Distribution of residue of.

Seventh. In case any *femme covert* shall die possessed of any personal estate, her sole property, or any right or interest therein, not lawfully disposed of by her last will and testament, the same shall, after the debts of the deceased, funeral charges and expenses of administration are paid, be distributed as follows: One-third to the husband, and the remaining two-thirds to her children, or the issue of any deceased child or children if any there be, by right of representation, except that if there be but one child, or the issue of a deceased child her surviving, then such residue shall be divided between Femme covert
Distribution of estate.

such husband and such child, or the issue of such deceased child, as aforesaid, in equal proportions, and if there be no husband nor child of the intestate living at her death, her estate shall be distributed to all her lineal descendants, and if all said descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take by right of representation. If there shall be no child, or issue of any deceased child her surviving, one-half of said residue shall go to the husband of the deceased and the other half to her father and mother, if living, in equal shares. If either parent be deceased such share shall go to the survivor, and if both parents be deceased, such share shall be distributed equally to the brothers and sisters and the children of any deceased brother or sister, by right of representation; and if there shall be neither father nor mother, nor brother nor sister, nor children of such brother or sister surviving, then such residue shall go to the surviving husband; in any other case the residue, if any, of the personal estate shall be distributed in the same proportion and to the same persons, and for the same purposes as prescribed for the descent and disposition of the real estate.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 117.]

AN ACT to amend section nineteen of act number one hundred ninety-three of the public acts of eighteen hundred ninety-five, entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section nineteen of act number one hundred ninety-three of the public acts of eighteen hundred ninety-five be amended so as to read as follows:

Evidence
of intent
to violate.

SEC. 19. Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 118.]

AN ACT to amend section thirty-four of act one hundred thirty-six of the session laws of eighteen hundred sixty-nine, entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," being section four thousand three hundred one of Howell's Annotated Statutes and section seven thousand two hundred fifty-seven of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section thirty-four of act one hundred thirty-six of the session laws of eighteen hundred sixty-nine, entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," being section four thousand three hundred one of Howell's Annotated Statutes and section seven thousand two hundred fifty-seven of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 34. Any fire insurance company, association or partnership incorporated by or organized under the laws of any other State, or any foreign government doing business within this State, shall, as a condition precedent to the renewal of an annual certificate by the Commissioner of Insurance, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of fire policies issued by its agents, and procured by or written for sub-agents, solicitors or brokers, upon property owned by residents of, or situate in the State of Michigan; also, a like statement of the marine insurance business transacted in the State of Michigan, and the gross amount of premiums received or secured thereon during the year then terminated; and shall pay into the hands of the State Treasurer a specific tax of three per cent on the gross amount of all premiums received in money or securities during the said year, and in ascertaining the gross amount of all premiums received or secured, the return premiums on canceled policies shall be deducted, and shall not be included in the term "gross amount of premiums;" and such deductions shall not include any moneys paid by any company for reinsurance; which said specific tax may be recovered from any company neglecting or refusing to pay the same, in any court, at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on such corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act: *Provided, however,* That when, by the statutes or Statement to be filed with Commissioner of Insurance.
Statement of marine insurance, etc.
Specific tax to be paid.
How recovered.
Treasurer to give receipt for money. Provide.

rulings of the insurance department of any state, a tax is laid or levied upon the amount of the gross receipts of premiums received upon any company organized under the laws of this State and doing business in such State, which amount of gross receipts shall include return premiums, then insurance companies from that state doing business in this State shall be taxed upon the amount of gross receipts for premiums without excluding the cancellations.

When taxed
upon gross
receipts.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 119.]

AN ACT making Appropriations for Current Expenses and Building and Special Purposes for the Michigan School for the Deaf for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to Provide a Tax to meet the same.

The People of the State of Michigan enact:

Appropriation
for current
expenses.

SECTION 1. That there be and hereby is appropriated for the current expenses of the Michigan School for the Deaf for the six months ending June thirty, eighteen hundred ninety-nine, the sum of thirty-seven thousand six hundred twenty-five dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of seventy-five thousand two hundred fifty dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of seventy-eight thousand seven hundred fifty dollars.

For
improvements,
purchase of
live stock, etc.

SEC. 2. The further sum of forty thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Thirty-seven thousand five hundred dollars for erecting and equipping a school building; two hundred dollars for rent of land; five hundred dollars for painting and calcimining; two hundred fifty dollars for roofs and gutters; four hundred dollars for fences, walks and grounds; two hundred fifty dollars for the library; nine hundred dollars to purchase live stock to take the place of those killed by advice of the State Live Stock Sanitary Commission.

For school
building, etc.

SEC. 3. The further sum of thirty-nine thousand one hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and one, by amounts and purposes as follows: Thirty-seven thousand five hundred dollars for erecting and equipping a school building; two hundred dollars for rent of land; five hundred dollars for painting and

calclmining; two hundred fifty dollars for roofs and gutters; four hundred dollars for fences, walks and grounds; two hundred fifty dollars for the library.

SEC. 4. The further sum of thirty-three hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, to paint the entire exterior of all the buildings of the school. Painting exterior of buildings.

SEC. 5. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Michigan School for the Deaf, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. Sums, how paid.

SEC. 6. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred ninety-nine the sum of one hundred thirty-seven thousand three hundred sixty-two dollars and fifty cents; for the year nineteen hundred the sum of one hundred seventeen thousand eight hundred fifty dollars, and for the year nineteen hundred and one the sum of eighteen thousand eight hundred twelve dollars and fifty cents. To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 120.]

AN ACT making Appropriations for the Current Expenses and for Building Purposes of the Michigan Soldiers' Home, and for the Home for Widows, Wives and Mothers of Soldiers, Sailors and Marines who Served in the Mexican and late Civil Wars, for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to Provide a Tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for the current expenses of the Michigan Soldiers' Home for the six months ending June thirty, eighteen hundred ninety-nine, the sum of fifty-five thousand dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of one hundred ten thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of one hundred ten thousand dollars: *Provided*, That of the one hundred ten thousand dollars appropriated in this section for the current expenses for the year ending June thirty, nineteen hundred, such a sum as is necessary, not exceeding three thousand dollars, Appropriation for current expenses. Proviso.

shall be used in the discretion of the Board of Managers, for the foundation of a woman's building.

Further appropriation.

SEC. 2. The further sum of ten thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, for the erection and completion of an hospital building.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the Treasurer of the Michigan Soldiers' Home at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Government allowance, how credited.

SEC. 4. The sums hereafter received from the general government for allowances for the period after January first, eighteen hundred and ninety-nine, shall be covered into the State Treasury and credited to the general fund.

To be incorporated in State tax.

SEC. 5. The Auditor General shall add to and incorporate into the State taxes for the year eighteen hundred and ninety-nine, the sum of one hundred forty-seven thousand two hundred fifty dollars; for the year nineteen hundred the sum of one hundred ten thousand dollars, and for the year nineteen hundred and one, the sum of twenty-seven thousand seven hundred and fifty dollars.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 121.]

AN ACT making Appropriations for the Northern Michigan Asylum for the Insane at Traverse City, for building and other special purposes, for the fiscal year ending June thirty, nineteen hundred, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That there be and hereby is appropriated for the Northern Michigan Asylum for the Insane at Traverse City the sum of fifty thousand six hundred fifty dollars for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Twenty thousand dollars

How used.

for the erection of one female hospital for acute insane to accommodate fifty patients and complete in every particular; twenty thousand dollars for the erection of one male hospital for acute insane to accommodate fifty patients and complete in every particular; twelve hundred dollars for the erection of a fire-proof vault complete in every particular, including electric lights, and the further sum of one thousand five hundred dollars for the erection and furnishing of a pathological

laboratory; five hundred dollars for a library; two thousand dollars for the purchase of forty acres of land adjoining the asylum farm; five thousand four hundred dollars for nurses' building complete.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Northern Michigan Asylum for the Insane, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 3. In case of a deficiency in one of the items specified in section one of this act and a surplus in the other, the board of trustees, by and with the advice and consent of the Governor and Board of State Auditors, given in writing, may apply such surplus upon such deficiency, and transfer such surplus from the fund containing the same to the fund in which such deficiency may occur. Provision for deficiency in items.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of fifty thousand six hundred fifty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated. To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 122.]

AN ACT to make an appropriation for building one detached building for male patients, and for the purchase of furniture and furnishings for the same, at the Michigan Asylum for the Insane at Kalamazoo.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated out of the State Treasury to the Michigan Asylum for the Insane the sum of twenty-four thousand eight hundred sixty-three dollars, of which amount the sum of twenty-two thousand three hundred sixty-three dollars shall be used for the erection of one detached building for male patients, of sufficient capacity to accommodate ninety patients, and the sum of two thousand five hundred dollars for the purchase of furniture and furnishings for the same. Appropriation for new building.

SEC. 2. The money appropriated hereby may be drawn from the State Treasury on the warrant of the Auditor General in such sums and at such times as may be made to appear necessary. The sums thus appropriated shall be expended only for How drawn. How expended.

the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers in monthly accounts current and abstracts, as provided for by statute.

To be
incorporated
in State tax.

SEC. 3. The Auditor General is hereby authorized to incorporate the sum of twelve thousand four hundred thirty-two dollars in the State tax for the year eighteen hundred ninety-nine, and twelve thousand four hundred thirty-one dollars in the State tax for the year nineteen hundred, and when collected, place the same to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 123.]

AN ACT making appropriations for the current expenses and special purposes for the Michigan College of Mines at Houghton, Michigan, for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred one, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation,
amount of.

SECTION 1. That there be and hereby is appropriated for the current expenses of the Michigan College of Mines for the six months ending June thirty, eighteen hundred ninety-nine, the sum of twenty-one thousand eight hundred seventy-five dollars, for the fiscal year ending June thirty, nineteen hundred, the sum of forty-three thousand seven hundred fifty dollars, and for the fiscal year ending June thirty, nineteen hundred one, the sum of forty-three thousand seven hundred fifty dollars.

Further
appropriation.

SEC. 2. The further sum of twenty-two thousand five hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred one, by amounts and purposes as follows: Seven thousand five hundred dollars for the purchase of additional land for the said College of Mines, and fifteen thousand dollars for additional equipment, drainage and water supply.

How used.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Michigan College of Mines, at such times and in such amounts, as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be
incorporated
in State tax.

SEC. 4. The Auditor General shall for the purpose of reimbursing the general fund for the expenditures above provided,

incorporate in the State tax for the year eighteen hundred ninety-nine the sum of sixty-four thousand six hundred eighty-seven dollars and fifty cents; for the year nineteen hundred the sum of fifty-six thousand two hundred fifty dollars, and for the year nineteen hundred one the sum of ten thousand nine hundred thirty-seven dollars and fifty cents.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 124.]

AN ACT making appropriations for the current expenses of the State Normal College for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred one, and for additions to the training school building and for improvements on buildings and grounds in the fiscal year ending June thirty, nineteen hundred, and providing a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for the current expenses of the State Normal College for the six months ending June thirty, eighteen hundred ninety-nine, the sum of thirty-three thousand one hundred fifty dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of sixty-nine thousand eight hundred dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of sixty-nine thousand eight hundred dollars. Appropriation for current expenses.

SEC. 2. The further sum of twenty-two thousand nine hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Fifteen thousand dollars for the purpose of erecting two wing additions to the training school building; three thousand dollars for stone walks about grounds; two thousand five hundred dollars to paint and repair walls and roof of two buildings, and two thousand four hundred dollars to cover deficiency for eighteen hundred ninety-eight. Further appropriation.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Board of Education at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General shall incorporate with the State tax for the year eighteen hundred ninety-nine the sum of one hundred nine thousand two hundred seventy-five dol- To be incorporated in State tax.

lars; for the year nineteen hundred the sum of sixty-nine thousand eight hundred dollars, and for the year nineteen hundred one the sum of sixteen thousand five hundred seventy-five dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 125.]

AN ACT to Prohibit the Taking or Catching of Fish by any means or device other than hook and line in Crooked Lake, Pickerel Lake, Pickerel Channel or Crooked River in Emmet County.

The People of the State of Michigan enact:

How unlawful
to take fish in
certain waters
of Emmet
county.

SECTION 1. That it shall not be lawful for any person to take, catch, kill, or attempt to take, catch, or kill, any fish in Crooked lake, Pickerel lake, Pickerel channel or Crooked river in Emmet county with any-kind of spear or grap hook, or by the aid of jacks or artificial light of any kind, or by the use of set lines or night lines, or any kind of net, or any kind of firearms, or explosives, or other device except the hook and line.

What prima
facie evidence
of violation.

SEC. 2. In all prosecutions under this act it shall be prima facie evidence, on the part of the people of the violation of the provisions of this act, to show that the defendant was found upon the waters above mentioned or any of them with spear, net, trap-net, set lines, jack or artificial light of any kind, or with dynamite, giant powder or any other explosive substance or combination of substances.

Penalty.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail of not to exceed thirty-days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 126.]

AN ACT to amend Section four of Chapter one hundred and twenty-nine, of the Compiled Laws of eighteen hundred and seventy-one being Compiler's section forty-seven hundred and sixty-six of Howell's Annotated Statutes, relative to Rural Cemetery Associations, and to Provide for the Care and Maintenance of Rural Cemeteries.

The People of the State of Michigan enact:

SECTION 1. That section four of chapter one hundred and twenty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section forty-seven hundred and sixty-six of Howell's Annotated Statutes, relative to rural cemetery associations and to provide for the care and maintenance of rural cemeteries, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 4. The annual meeting of every such corporation shall be held on the second Monday of May in each year, unless some other day shall be fixed by the by-laws thereof, and in such case, it shall be held upon the day so fixed. Such meeting shall elect a board of directors, who shall serve for the ensuing year, and until their successors shall be chosen, and trans- Annual meetings.
act such other business of the corporation, as may properly come before it. At such meeting the owners of scrip, herein- Election of board of directors.
after provided for, shall have the right to vote, either in per- Owners of scrip. Vote entitled to.
son or by proxy, in proportion to the amount of scrip held by them respectively, each owner thereof being entitled to one vote for each ten dollars of scrip. Special meetings of any such corporation may be provided for by the by-laws thereof, Special meetings.
and shall be held when called in accordance with such provision.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 127.]

AN ACT to amend Section twenty-two of Act one hundred forty-nine of the Public Acts of eighteen hundred ninety-three, entitled "An Act to Provide for a County and Township System of Roads and to Prescribe the Powers and Duties of the Officers having charge thereof," as amended by Act number forty-five of the Public Acts of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section twenty-two of act one hundred forty-nine of the public acts of eighteen hundred ninety-three, Section amended.

entitled "An act to provide for a county and township system of roads and prescribe the powers and duties of the officers having charge thereof," as amended by act forty-five of the public acts of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Vote of supervisors to submit bond issue to electors.

SEC. 22. Whenever the board of supervisors of the county shall by a two-thirds vote of all the members elect resolve to contract indebtedness or issue bonds to raise money for the construction and maintenance of county roads the question shall be submitted to a vote of the electors of the county at a general or special election to be called for that purpose. Notice of the submission of such resolution to the vote of the electors and in case a special election is called notice of the calling of such special election shall be given in the same manner and for the same length of time as now prescribed by law. If a majority of the electors voting on such resolution shall vote in favor thereof it shall be deemed to have carried. The manner of stating the question upon the ballots shall be prescribed by the resolution of the board of supervisors. No bond or evidence of indebtedness shall be negotiated at less than par and the accrued interest. All money raised by the board of supervisors for the construction and maintenance of county roads shall be expended under the direction of the board of county road commissioners.

Notice of election.

Question how stated on ballot.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 128.]

AN ACT to authorize the Consolidation of Street Railway, Electric Light and Gas Light Companies, or any two thereof.

The People of the State of Michigan enact:

Companies may consolidate.

SECTION 1. That any company organized under chapter ninety-five of Howell's annotated statutes of Michigan, entitled "Street railway companies," and any company organized under chapter one hundred and twenty-seven of said statutes, entitled "Electric light companies," and any company organized under chapter one hundred and twenty-six of said statutes, entitled "Gas light companies," or any two thereof, may consolidate, each with the others, where such companies are organized, in operation and located, and carry on business in the same towns, cities or villages and may form a single corporation. And for this purpose the directors of said three corporations, or any two of said corporations, may enter into an agreement under the corporate seal of each, for the consolidation of the said three corporations, or any two thereof,

Directors may enter into agreement.

prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than three, nor more than seven, the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said three corporations, or any two thereof, so consolidating, as hereinafter provided, the number of shares of capital stock in the new corporation the amount of each share, the manner of converting the shares of capital stock in each of said three corporations, or any two thereof, into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations, and such new corporation shall possess all the powers, rights and franchises conferred upon such three corporations, or any two thereof, so consolidated, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said three corporations, or any two thereof, so consolidating until approved by a vote of three-fourths of the outstanding stock of each company passed at an annual meeting of stockholders or at a special meeting of stockholders called for the purpose of considering the same, and when such agreement of the directors has been so sanctioned by the stockholders, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said three corporations, or any two thereof, so consolidating. A copy of said contract or consolidation agreement filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said three companies, or any two thereof, so consolidating, and of all the facts herein stated.

Terms and conditions.

What deemed first election.

When held.

Agreement what to show.

Powers conferred upon new corporation.

Agreement how considered.

Copy to be evidence.

SEC. 2. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate thereof in the office of the Secretary of State, the said three corporations, or any two thereof, mentioned or referred to in this section shall be merged into the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein. And all and singular, the rights and franchises of each and all of said three corporations, or any two thereof, so consolidating, parties to such agreement, and all and singular, their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in

When new corporation formed.

Rights and franchises.

Titles, real
estate etc.,
not to revert.

Proviso
as to rights
of creditors.

Further
proviso as to
debts etc.

Counties
subject to act.

such new corporation, without any other deed or transfer, and such new corporation shall hold and enjoy the same, together with all other rights of property, in the same manner and to the same intent, as if the said three corporations, or any two thereof, so consolidating, parties to such agreement, should have continued to retain the title and transact the business of such corporation; and the titles and the real estate acquired by any of said three corporations, or any two thereof, so consolidating, shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors and all other liens upon the property of any of said corporations parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities and duties of any or all of said companies shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities and duties had been originally incurred by it: *And provided further*, That the provisions of this act shall apply only to the counties of Muskegon, Newaygo, Allegan, Jackson, Kalamazoo and Calhoun.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 129.]

AN ACT to Amend Section one of an Act entitled, "An Act to Create a Board of Jury Commissioners, consisting of seven Persons for Courts of Record in the County of Wayne, and to repeal Act number ninety-five of the Public Acts of eighteen hundred eighty-seven, as amended by Act number forty-two of the Public Acts of eighteen hundred ninety-one, and all other acts and parts of acts contravening the provisions of this act," being act number two hundred four of the public acts of eighteen hundred ninety-three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of an act, "An Act to Create a Board of Jury Commissioners consisting of seven persons for courts of record in the county of Wayne, and to repeal act number ninety-five of the public acts of eighteen hundred eighty-seven, as amended by act number forty-two of the public acts of eighteen hundred ninety-one and all acts and parts of acts contravening the provisions of this act," being act number two hundred four of the public acts of eighteen hundred ninety-three, be amended so as to read as follows:

SECTION 1. That there shall be a board of jury commissioners for Wayne county, consisting of seven qualified electors, who shall be appointed by the Governor with the consent of the Senate, two of whom shall hold office for two years, two for four years, and three for six years from the first of May, eighteen hundred ninety-three, and when the term of office of any commissioner shall expire, commissioners thereafter appointed shall hold their office for the term of six years. Appointments to fill vacancies that may occur may be made by the governor when the legislature is not in session, and the person or persons so appointed shall, unless their time sooner expires, hold their office until the close of the session of the Legislature next following such appointment. Five members of said board shall be residents of the city of Detroit, and the other two members shall reside outside of the limits of the city and within said county. The official terms of said commissioners shall commence on the first day of May, and they shall hold office for the term of six years. Said commissioners before entering upon the discharge of their duties, shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the county clerk. They shall elect one of their number president, and shall appoint a secretary, who shall keep a record of their proceedings. The commissioners shall receive two dollars and fifty cents for each day's service and mileage for their traveling expenses while in the actual performance of their duties at the rate of ten cents per mile, but the total compensation paid any one of said commissioners including mileage shall not exceed fifty dollars in any one year. The secretary shall receive such compensation as shall be certified by said board, or a majority of its members, as suitable and proper, to the county auditors, and to be paid by the county, but not exceeding three hundred and fifty dollars per annum.

Board of jury commissioners for Wayne county. How appointed.

Term of office.

Vacancies how filled.

Resident members.

Official terms.

Oath of office.

President.

Compensation.

Of secretary.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 130.]

AN ACT to amend an act entitled "An act to provide for the incorporation of lodges of the Ancient Order of United Workmen," being Act number eighty-three of the Public Acts of eighteen hundred eighty-seven, approved April Twenty-two, eighteen hundred eighty-seven, and being chapter number one hundred sixty-three of Howell's Annotated Statutes, the same being sections eight thousand and forty-seven to eight thousand and fifty-seven inclusive of the Compiled Laws of eighteen hundred ninety-seven, by adding a section thereto to stand as section twelve.

The People of the State of Michigan enact:

Act amended. SECTION 1. That an act entitled "An act to provide for the incorporation of lodges of the Ancient Order of United Workmen," being act number eighty-three of the public acts of eighteen hundred eighty-seven, approved April twenty-two, eighteen hundred eighty-seven, and being chapter number one hundred sixty-three e of Howell's Annotated Statutes, the same being sections eight thousand and forty-seven to eight thousand and fifty seven inclusive of the compiled laws of eighteen hundred ninety-seven, be and is hereby amended by adding a section thereto to stand as section twelve, as follows:

Sick benefit, etc., exempt from garnishment.

SEC. 12. The money or other benefit, relief, aid or sick benefit fund to be paid, provided or rendered by any corporation formed in pursuance of this act, shall not be liable to attachment, garnishment or other process and shall not be seized, taken, appropriated or applied by any legal or equitable process or by operation of law, to pay any debt or liability of the deceased member, or of any certificate holder, or of any beneficiary named in any certificate, or of any person who may have any rights thereunder.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 131.]

AN ACT relative to the confinement in this State of prisoners committed or sentenced by the courts of the United States or territories thereof.

The People of the State of Michigan enact:

Board may contract for prisoners.

SECTION 1. It shall be lawful for the board of inspectors or other officers having charge of the Detroit House of Correction to contract with the government of the United States, or its duly authorized agents, for the confinement in said prison or penal institution of persons committed or sentenced to confinement or imprisonment by the circuit or district courts of the United States or territories thereof: *Provided*, That the United States shall, at its own expense, deliver to said House of Correction all persons sentenced thereto, and return such prisoners when their terms of imprisonment have expired, to the state or territory from which they came: *And provided*, That this act shall be in force and effect not to exceed two years from the date of its approval: *Provided also*, That in no event shall such prisoners be received if sentenced after the expiration of the two years as aforesaid: *Provided further*, That on completion of the Federal Prison, now under construc-

Proviso.

Further proviso.

Proviso.

Further proviso.

tion at Atlanta, Georgia, that the United States will remove all United States convicts then confined in said Detroit House of Correction.

All acts or parts of acts inconsistent with this act are hereby Acts repealed. repealed.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 132.]

AN ACT to amend section fourteen of act number one hundred forty-eight of the public acts of eighteen hundred fifty-five, entitled "An act to provide for the construction of Train Railways," being section three thousand five hundred eight of Howell's Annotated Statutes and section six thousand four hundred seven of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section fourteen of act number one hundred forty-eight of the public acts of eighteen hundred fifty-five, entitled "An act to provide for the construction of train railways," being section three thousand five hundred eight of Howell's annotated statutes and section six thousand four hundred seven of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Section amended.

SEC. 14. Any railway constructed under this act shall be open to all persons for use, upon the payment of tolls as aforesaid, for the passage and repassage of cars and vehicles; constructed to carry minerals, lumber or other freight upon such railway, at such times and under such rules and regulations in regard to the passage of cars or vehicles each way upon such railway as the authorized agent or agents or the engineer thereof may prescribe: *Provided however*, That the provisions of this section and section thirteen of this act shall not apply to any railway company organized under this act, the major portion of whose tracks are within the corporate limits of any incorporated city or village, and such railway may fix its own rates of toll or charges, except for passenger fares, and may also make joint traffic arrangements with any other railway or unite with it in the ownership or use of any railway franchise or property and may acquire or lease from any other railway its corporate franchise and property or any interest therein or sell or lease its own. And such railway company may acquire any real estate, property or franchise required for the purpose of its incorporation, in the manner, on the terms and condi- Any person may use road on paying toll. Proviso.

tions, and by the proceedings, provided and set forth in sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of article two of chapter ninety-one of Howell's annotated statutes of the State of Michigan, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved June 16, 1899.

[No. 133.]

AN ACT to amend act number two hundred twenty-two of the Public Acts of eighteen hundred ninety-five, entitled "An Act to Provide for the Appointment of a Board of Commissioners who shall have the Management and Control of the Mackinac Island State Park, and Defining its Powers and Duties," approved May thirty-first, eighteen hundred ninety-five, by adding thereto two new sections, to stand as sections five and six.

The People of the State of Michigan enact:

Act amended. SECTION 1. That act number two hundred twenty-one of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the appointment of a Board of Commissioners who shall have the management and control of the Mackinac Island State Park, and defining its powers and duties," approved May thirty-first, eighteen hundred ninety-five, be amended by adding thereto two new sections to stand as sections five and six to read as follows:

What deemed a misdemeanor. SEC. 5. Any person who shall wilfully cut, peel or otherwise injure or destroy any tree standing in Mackinac Island State Park, or who shall carry, draw, leave or deposit, anywhere within said Park, any filth, rubbish or garbage, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail of Mackinac county, for a period of not less than ten days nor more than sixty days, or both such fine and imprisonment, in the discretion of the court.

Penalty.

Superintendent may appoint police. SEC. 6. The superintendent of the Mackinac Island Park may appoint, by and with the consent of the board of commissioners thereof, such number of special police as the board may by resolution direct, which special police shall be under the supervision and direction of the superintendent, who shall be charged with the execution of such rules and regulations for the care and preservation of the park, and the property in and about the fort, as may be prescribed in rules duly for-

mulated by the said board. Such special police shall be vested with the authority of sheriffs of said Island, and may apprehend and arrest, without warrant, any person whom they may find violating the rules which shall have been published relative to good order, the preservation of property, the mutilation of landmarks, or the destruction or injury to growing trees and shrubs. Said special police are authorized to make complaint against offenders against the rules of the government of said Mackinac Island Park, before any justice of the peace of the township of Holmes, and said justice or justices of the peace are hereby authorized to take cognizance, hear, try and determine such complaints and pass sentence upon such offenders, in accordance with said rules and the proper enforcement thereof, and in accordance with justice.

Authority of
police.

Authority of
justices of the
peace.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 134.]

AN ACT for the relief of Sick, Disabled and Needy Ex-soldiers, Sailors and Marines of the late Spanish-American War.

The People of the State of Michigan enact:

SECTION 1. An amount not exceeding the sum of one-sixth of a mill on each dollar of the equalized valuation of taxable property of the State, as fixed by the State Board of Equalization for the year one thousand eight hundred ninety-six, is hereby appropriated from the general fund, not otherwise appropriated, to be set apart and denominated "The Soldiers' Aid Fund," for the relief, maintenance, care and support of sick, disabled and needy Michigan ex-soldiers, sailors and marines of the late Spanish-American war, and Michigan men who enlisted from this State in any other state volunteer forces, or the United States regular service in said war, and who were employed in the United States volunteer or regular service in the said war, and were residents of this State at the time of said enlistment and service, and who reside within this State, and have been honorably discharged from such service, or who may be hereafter honorably discharged prior to the thirty-first day of December, A. D. one thousand eight hundred ninety-nine, and to pay the funeral expenses of such ex-soldiers, sailors and marines, not exceeding fifty dollars in any case.

Appropriation
for soldiers' aid
fund.

SEC. 2. The prosecuting attorney, judge of probate, county clerk and county treasurer of every organized county within this State, are hereby constituted a county relief board for the

Relief boards,
who to consti-
tute.

When to
extend relief.

purpose of ascertaining the necessity of extending relief to any sick, disabled or needy ex-soldier, sailor or marine of said war, within their respective counties; and whenever a majority of said board shall determine that it is just and proper to extend relief to any such sick, disabled or needy ex-soldier, sailor or marine within their respective counties, or to pay the funeral expenses of any such ex-soldier, sailor or marine, they are hereby authorized to make such arrangement as they shall deem necessary and advisable for the proper relief, care, maintenance and support, or the payment of the funeral expenses of such ex-soldiers, sailors or marines as are specified in section one of this act. That the relief hereby provided for, and

Relief for sick
not confined to
maintenance,
support, etc.

which may be extended to any such sick, disabled or needy ex-soldier, sailor or marine, or the payment of the funeral expenses of the same, shall not be confined to their care, maintenance and support from and after the passage of this act;

Relief boards,
powers, etc.

but the said county relief boards, in their several counties, shall be authorized and empowered to ascertain and determine the sum or sums which any such needy ex-soldier, sailor or marine may have been compelled to expend for his support, medical aid, care and maintenance, or for which he may have contracted to pay therefor prior thereto, or the funeral expenses which may have been paid for or on account of the death of any such ex-soldier, sailor or marine. And whenever a majority of said board shall deem it just and proper, they may audit and allow the same, or any part thereof, and

May refund
money.

may refund to any such sick, disabled or needy ex-soldier, sailor or marine, or to any person or persons for said funeral expenses, the sum or sums of money so expended by him for his support, medical aid, care and maintenance, or by any person or persons for his funeral expenses prior to the passage of this act, or any part thereof: *Provided*, That the said board, in auditing and allowing claims existing prior to the

Proviso.

passage of this act, shall only be authorized and empowered to allow claims paid or contracted for by any such sick, disabled or needy ex-soldier, sailor or marine, after his return to the State of Michigan, or who has been or hereafter may be discharged from such service prior to December thirty-first, A. D. one thousand eight hundred ninety-nine, or for such funeral expenses, and shall not authorize the allowing or auditing of any claim or claims for moneys expended in the care, maintenance and support or funeral expenses of any such ex-soldiers, sailors or marines, on the part of any township, village, city or county, or charitable institution or association: *And provided further*, That the members of said board shall perform the services required of them under this act without compensation, and without expense to the State or any county thereof, of any nature whatsoever: *And provided further*, That in the county of Wayne the powers and duties herein conferred upon the county boards herein provided for shall be performed and executed by the soldiers' relief commission

Further
proviso.

Further
proviso as to
Wayne county.

of said county of Wayne, and that no additional compensation shall be paid therefor.

SEC. 3. It shall be the duty of such county relief board to keep a correct record of all expenditures authorized by them for the care and support or funeral expenses of every sick, disabled or needy ex-soldier, sailor or marine within their county, in each month, during the time this act shall be and remain in force, report to the State Military Board a complete account of all expenditures or indebtedness so authorized by them, showing the reasons therefor, when and for whom such expenditures were authorized, and such additional facts as they may deem necessary and proper.

Relief board to keep record of expense.

SEC. 4. The several county relief boards created by this act shall, once in each month, from and after the time this act takes effect, present to the Auditor General itemized vouchers upon forms furnished by the State and certified to under oath by a majority of the members of said board, showing the several expenditures authorized by said board, the reasons therefor, and when and for whom such expenditures were authorized, and upon such vouchers properly receipted by the payee, the Auditor General shall issue his warrant for the payment of the amount so certified in said vouchers.

To forward vouchers of expense to Auditor General monthly.

Auditor General to issue warrant.

SEC. 5. The amount paid by the Auditor General by voucher under the terms of this act shall be charged against the general fund of the State: *Provided*, That no part of the moneys appropriated by this act shall be expended for the maintenance, care and support or funeral expenses of such ex-soldiers, sailors and marines which shall not have been incurred previous to the thirty-first day of December, one thousand eight hundred ninety-nine, and it shall be the duty of each of said county relief boards to make their final report to the Auditor General showing the expenditures herein provided for to the thirty-first day of December, one thousand eight hundred ninety-nine, by the first day of February next succeeding: *Provided*, That any part of said fund which shall be unexpended on the first day of January, A. D. nineteen hundred, shall revert to and become a part of the general fund of the State, June thirtieth, nineteen hundred.

Amounts paid how charged.

Proviso.

Boards to report to Auditor General.

Proviso as to unexpended balance.

SEC. 6. If any person shall embezzle, fraudulently use, appropriate or misappropriate any part of the moneys provided for in this act, or shall apply any part of said moneys to any other use than herein specified, such person shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or imprisonment in the State Prison for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Misappropriation of moneys a felony.

Penalty.

SEC. 7. There shall be assessed in the year eighteen hundred ninety-nine, upon the taxable property of the State as fixed by the State Board of Equalization in the year eighteen hundred ninety-six, the sum of one-sixth of a mill on each dol-

Appropriation, how assessed.

lar of said taxable property, in like manner as other State taxes are by law levied, to reimburse the general fund for the moneys appropriated by section one of this act.

Acts repealed.

SEC. 8. All acts and parts of acts contravening the provisions of this act are hereby repealed, except that any payments which may have been authorized under act number twelve of the public acts of eighteen hundred ninety-nine shall be deemed to have been made under this act.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 135.]

AN ACT to provide for the Incorporation of Ursuline Academies.

The People of the State of Michigan enact:

Ursuline
academies may
be incorpor-
ated.
Who may
incorporate.

SECTION 1. That Ursuline academies or schools may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any four or more members, residents of this State, being of the Order of Ursuline Nuns, desiring to become incorporated, may make and execute articles of corporation or association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgment of deeds, and shall set forth:

Articles of as-
sociation, what
to set forth.

First, The names of the persons associating and their place of residence;

Second, The location within this State of the association of which they are members;

Third, The corporate name by which such association shall be known in law: *Provided*, That each association shall be known as "The Ursuline Academy" of the name of the city, village or township where located, and, if more than one in any city, the same shall be designated by number;

Fourth, The object and purpose of such corporation or association, which shall be for the purpose of promoting education of young children and girls under the auspices of the Ursuline Nuns, and the period for which it may be incorporated, which shall not exceed thirty years.

Where filed.
Body politic,
etc.

SEC. 3. A copy of said articles of association shall be filed in the office of the county clerk of the county in which such corporation shall be formed, and also in the office of the Secretary of State, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they

and their successors shall have succession and shall be persons in law capable of suing and being sued, and they and their successors may have a common seal, and the same they may change and alter at pleasure, and a certified copy of the record of such articles of association by the clerk of the county or of the Secretary of State shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation. Evidence of incorporation.

SEC. 4. Every corporation formed in pursuance of this act shall be capable in its corporate name of purchasing, taking, receiving, holding to itself and enjoying estates, both personal and real: *Provided*, That the value of such real and personal estate shall not exceed the sum of twenty-five thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, mortgage, lease, devise and dispose of said real and personal estate, or part thereof, and other estate, real and personal, not exceeding the aforesaid amount may acquire instead thereof at their will and pleasure, and the proceeds shall be devoted exclusively to the educational purposes mentioned in section two of this act. May hold real estate, etc.
Proviso.

SEC. 5. Said corporation shall have authority to make rules and regulations and by-laws for regulating and governing all the affairs and business of said corporation, not contrary to the laws of this State, or the United States, and to designate, elect or appoint from among their number such officers, under the name and style as shall be in accordance with said Order of Ursuline Nuns and charter of such association, who shall have the supervision and management of the affairs of such corporation. May make rules, by-laws, etc.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 136.]

AN ACT to amend section three of chapter seven, section six of chapter twelve, section three of chapter twenty-four, entire chapter twenty-five, section one of chapter twenty-eight, and to add four new sections to chapter twenty-eight, to stand as sections eleven, twelve, thirteen and fourteen of said chapter; sections fourteen and sixteen of chapter thirty, sections five and fifteen of chapter thirty-one, and section one of chapter thirty-three, of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five, and as amended by act number two hundred thirty-nine of the public acts of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That section three of chapter seven, section six of chapter twelve, section three of chapter twenty-four, entire chapter twenty-five, section one of chapter twenty-eight, sections fourteen and sixteen of chapter thirty, sections five and fifteen of chapter thirty-one, section one of chapter thirty-three, of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five, and as amended by act number two hundred thirty-nine of the public acts of eighteen hundred ninety-seven, be amended so as to read as follows, and that four new sections be added to said chapter twenty-eight, to be known as sections eleven, twelve, thirteen and fourteen of chapter twenty-eight of said act, as follows:

CHAPTER VII.

May suspend
officers.

Proviso as to
complaint.

Council to hear
complaint and
defense.

Proviso as to
special meet-
ing.

Authority to
inspect books.

SEC. 3. The mayor may suspend any officer appointed by him at any time for neglect of duty, misconduct or other sufficient cause: *Provided*, That a written complaint under oath shall be preferred against said officer and filed with the city clerk. Said complaint shall be reasonably certain as to time, place and the offense, or offenses, charged therein, and a copy thereof served personally on such person or left with a person of suitable age at the last known place of residence of such suspended person, within three days after such suspension. The said officer shall have the privilege of filing answer to said complaint within five days after service of copy of said complaint as above provided. The council shall hear such complaint and defense thereto, if any, at the next regular meeting thereof: *Provided*, Said regular meeting shall occur within a time not less than ten and not more than fifteen days after the date of the filing of said complaint, otherwise a special meeting shall be called for the purpose of such hearing, and within the time herein limited. Should no complaint be filed within the time herein provided, or be not sustained at the hearing thereof, said officer may resume the duties of his office as if such suspension had never been made.

He shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

CHAPTER XII.

When mayor
may suspend
policeman.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other

sufficient cause as provided for in chapter seven, section three, of this act.

CHAPTER XXIV.

SEC. 3. When the owners of a majority of the lands liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, shall petition the council for any public improvement except sewers, the council shall order such improvement to be made. In other cases public improvements shall be made in the discretion of the council. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Duty of council as to public improvements.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in any city for the purpose of opening, widening, altering or extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures, for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water courses; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Purposes for which private property may be taken.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city either in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as herein-after set forth.

Proceedings to be under general law.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the

City attorney to institute proceedings.

public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before the probate court as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Filing of
petition with
probate court.

What to state.

Impaneling of
jury.

Probate court
to issue sum-
mons against
respondents.

Serving of
summons on
residents.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such probate court in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the council and of the passage of the said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality may be entitled, within the objects of this chapter.

SEC. 5. Upon receiving such petition it shall be the duty of the said probate court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said probate court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

SEC. 6. Said summons shall be served by the city marshal, any member of the police force or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the origi-

nal and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or the last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the probate court may appoint some discreet and proper person to be guardian *ad litem* of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, and not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the probate court may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode described shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such probate court before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

On minor or person of unsound mind, guardian *ad litem*.

Service of order of appearance on respondents not receiving summons.

Alias and pluries summons.

Affidavit of officer, proof of service.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the probate court shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable or any member of the police force of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney and the respondents collectively,

When jury to be impaneled.

Manner of impaneling.

public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before the probate court as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Filing of
petition with
probate court.

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What to state.

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Serving of
summons on
residents.

SEC. 6. Said summons shall be served by the city marshal, any member of the police force or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the origi-

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On minor or person of unsound mind, guardian ad litem.

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When jury to be impaneled.

Manner of impaneling.

shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the probate judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts.

Oath of jurors.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement, and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the probate judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by all jurors.

Jury to hear proofs and view place of improvements.

Verdict of jury, what to determine.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

SEC. 10. To assist the jury in arriving at their verdict, the probate court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

Jury may have petition and map.

PART I.

We find that it is _____ necessary to take the private property described in the petition in this cause, for the use and benefit of the public for the proposed public improvement.

Blank verdict to be furnished.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.	Form of blank verdict.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the probate court, before it is submitted to the jury, or it may be done by the jury.

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceedings, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the council or otherwise, whenever the amendments will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Amendments allowed.

SEC. 12. Upon filing the report and award made by any jury with said probate court he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the probate court, upon the application of

Probate judge to enter report on docket.

To enter judgment of confirmation.

the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

When jury disagree new jury to be impaneled.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said probate court shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled, and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and before said probate court as provided for above after the first jury is sworn.

Death or disability of juror.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause be unable to discharge his duties as a juror, said probate court may cause to be drawn another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Appeal to the circuit court.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned, may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the probate court a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the probate court a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said probate court, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the probate court the sum of three dollars for making his return to the appeal.

Bonds in such case.

Probate judge to make return to appeal.

SEC. 16. Within ten days after taking such appeal said probate court shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court.

SEC. 17. Upon filing the return to the probate court, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon the question as to the amount of damages to be awarded; but the finding of the jury before the probate court as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

Circuit court to have jurisdiction upon filing return.

SEC. 18. The circuit judge shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality or vicinity, and shall be selected and impaneled as follows: The city marshal or any member of the police force of such city shall, on the same day or at an adjourned day, make a list of twenty-four resident freeholders of said city or vicinity, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from the list, it shall be done by the circuit judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as practice and proceedings of circuit courts relative to jurors in cases in such courts.

Jury to be impaneled.

Manner of impaneling.

SEC. 19. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain, determine and award the just compensation to be made for the taking for the use or benefit of the public the private property which the petition describes, and that you will faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the circuit judge, and shall

Oath of jurors.

retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all jurors.

Verdict, what to contain.

SEC. 20. The jury shall in their verdict separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Jury may have petition and map.

SEC. 21. To assist the jury in arriving at their verdict, the circuit judge may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken and may also submit to them a blank verdict which may be as follows:

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Form of blank verdict.

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the circuit judge, before it is submitted to the jury, or it may be done by the jury.

Court to confirm proceedings.

SEC. 22. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the probate court, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just.

When appellant to pay costs.

City clerk to procure and record copies of judgments.

SEC. 23. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the probate court after the same has become final, as

well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such probate court, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

SEC. 24. When the verdict of the jury shall have been finally confirmed by the probate court and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may by an entry in their minutes determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

Collections.
when made.

Amount, how
assessed.

Assessment
roll to be
evidence of
legality.

To constitute
lien.

When city may
become a
purchaser.

When judg-
ment to be paid.

SEC. 25. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested, for the private property taken, as awarded

Duty of treasurer.	<p>by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay the persons respectively entitled to the money so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the probate court before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be <i>prima facie</i> evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.</p>
Treasurer to sign duplicate certificates.	
When council may apply to court for assistance.	
Fees and compensation of officers, jurors and witnesses.	<p>SEC. 26. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the probate courts of this State, and in cases of appeals, the same fees and compensation as are provided by law for similar services in circuit courts.</p>
What to be prima facie evidence of ownership.	<p>SEC. 27. It shall be <i>prima facie</i> evidence as to who are owners of, and persons interested in, any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles of his office, and states who such records show are the owners of,</p>

and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds shall also be *prima facie* evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Sec. 28. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by this sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

Disposition of buildings.

Moneys received, how paid.

Sec. 29. Nothing in this chapter contained shall prevent any city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

Act not to prevent negotiation and purchase.

CHAPTER XXVIII.

SECTION 1. There shall be created and constituted in every city, subject to the provisions of this act, a board of public works composed of five members, who shall be freeholders and electors of the city and shall serve without compensation. Such board shall, as near as may be, be non-partisan, no more than three members to be appointed from one political party, and shall be appointed by the mayor, by and with the consent of the council. One member shall be appointed for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from the first Monday of May next thereafter, and on the first Monday of May of each year thereafter one member shall be appointed for the term of five years, unless otherwise provided in this act: *Provided*, That it shall not be necessary for any city already having a board of public works organized under the provisions of this act to reconstruct such board, but the existing board of public works shall continue unchanged, unless abolished under the provisions of sections eleven and twelve of this act: *Provided further*, That whenever a majority of the electors, as appears by the last registration of electors of any such city, not having a board of public works organized, shall petition the mayor against the creation of such board, such board of public works shall not be created, except as provided in section thirteen of this chapter, and the powers vested in such board of public works by this act, shall be vested in the common council, until the establishment of such a board. Such petition shall be spread at large on the records of the council.

Number of members on board of public works.

Board to be non-partisan.

Term of office.

Proviso.

Further proviso.

When board to be abolished.

SEC. 11. The council of every city subject to the provisions of this act and the acts to which this act is amendatory, upon petition to them of one hundred or more freeholders of such city praying that an election of the qualified voters of such city be called to determine whether the board of public works in such city shall be abolished, shall, by resolution, submit the question of abolishing such board of public works to the qualified electors of such city at the city election held in the month of April next following. The board of public works in such city shall not be abolished unless two-thirds of the electors voting on such proposition shall by ballot so determine.

When the powers, rights and privileges of board to be vested in council.

SEC. 12. If at any such election two-thirds of the electors voting thereon shall vote to abolish the board of public works in such city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all duties and obligations imposed upon such board of public works by this act and the act of which this is amendatory, shall be vested in, exercised and assumed by the council of such city; the board of public works in such city in all things appertaining to them as such board, shall be superseded by the council, and the council may appoint a committee of its own members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine.

Board, how re-established.

SEC. 13. In any city subject to the provisions of this act, and in which the board of public works has been abolished as above provided, the council, on petition to them of one hundred freeholders of said city praying for the re-establishment of the board of public works therein, shall, by resolution, submit to the qualified electors of such city at the city election held in the month of April next following the proposition to re-establish such board of public works. If two-thirds of the electors voting on such proposition vote in favor of such board of public works, then such board of public works shall thereafter be re-established in such city and shall be constituted and selected in the same way and have the same qualifications, powers and duties provided for boards of public works in the act of which this act is amendatory.

Election, when held.

SEC. 14. An election under the provisions of this chapter cannot be held oftener than once in two years and notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of such city for the calling special elections, and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes, and the determining of the result thereof at special

elections, and the propositions submitted shall be in the following language:

For the board of public works—Yes. ☐

For the board of public works—No. ☐

Form of ballot.

CHAPTER XXX.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not to exceed five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year or such necessity arising from an existing, evident and impending danger, and from borrowing the money therefor.

No further sums to be used or appropriated after the passage of annual bill.

Council may make necessary repairs to certain amount.

SEC. 16. No work or improvement to be paid by special assessment costing more than three thousand dollars, shall be ordered commenced or contracted for, nor shall any assessment be levied therefor in any year, unless the intention to make such improvement or expenditure and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill: *Provided however*, That this section shall not apply to any public improvement ordered by the council upon a petition of the owners of a majority of the lands liable to be assessed for the improvement.

Limit of improvements to be paid by special assessment.

Proviso.

CHAPTER XXXI.

ASSESSMENT AND COLLECTION OF TAXES.

SEC. 5. The supervisors of the several wards, the city assessor in cities providing for such officer, the mayor and the city attorney, shall constitute a board of equalization and review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls,

Who to constitute board of equalization.

Powers and duties.

Compensation.	and shall add thereto any taxable property in said city that may have been omitted, and shall value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. If on examination they shall deem the valuation of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any such ward shall be so stated in the certificate attached to the assessment roll of such ward; and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in the manner hereinbefore provided, and said equalization shall not be changed with regard to the relative valuation of the several wards of said city, and the board of supervisors of the county in which such city is located shall equalize such city as a unit the same as a township is equalized, and any amount added to or deducted from the total valuation of such city as a unit, shall be apportioned by the clerk of the board of supervisors among the several wards, according to the equalized valuation of the real property in each ward as fixed by the board of review.
To equalise assessment.	
Board of supervisors to equalise city the same as townships are equalised.	
City treasurer to give notice to taxpayers for payment of taxes.	SEC. 15. Upon receiving the several ward tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, without any charge for collection; or where the council have decided to have the taxes levied and collected in two installments, and the roll be the July roll, on or before the fifteenth day of September, without any charge for collection; but that four per cent collection fee shall be charged and collected upon all taxes remaining unpaid on said tenth day of January or fifteenth day of September, as the case may be. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said tenth day of January and fifteenth day of September, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall collect no fees upon any taxes paid to him before the said tenth day of January, or where the council have decided to have the tax levied and collected in two installments and the roll be the July roll, on or before the fifteenth day of September, but in all other cases he shall collect both the tax and the four per cent collection fee.
Fees for collection of taxes.	
Notice to be published in newspapers.	
When fees not to be collected.	

CHAPTER XXXIII.

MISCELLANEOUS.

SECTION 1. All cities heretofore incorporated under any general or special law of this State, and having a population of ten thousand or less, according to the last preceding census, are hereby reincorporated under and made subject to the provisions of this act, as cities of the fourth class, such reincorporation to take effect on the first day of January, in the year of our Lord one thousand eight hundred ninety-six, and all acts by virtue of which such cities have been incorporated are hereby repealed from and after the said first day of January, in the year of our Lord one thousand eight hundred ninety-six, except as hereinafter in this section provided: *Provided however*, That whenever fifty or more of the qualified voters of any city hereinbefore described as a city of the fourth class, which has been incorporated under a special act of the legislature, shall file with the council thereof, on or before the first day of November, in the year of our Lord one thousand eight hundred ninety-five, a petition praying that an election of the qualified voters of such city be called to determine the question as to whether such city shall remain incorporated under the special act under which it was incorporated and by which it is governed at the time of the filing of such petition, or whether it shall become subject to the provisions of this act, thereupon it shall be the duty of such council, within ten days after the filing of such petition, to call a special election of the qualified voters of such city to determine such question. If a majority of all the votes cast at such election are in favor of remaining incorporated under such special act by which such city is governed at the time of the filing of such petition, then such city shall not be reincorporated under the provisions of this act, but shall remain incorporated under such special act, which shall remain in full force and effect as if this law had not been enacted: *Provided further*, That any city of this State, when the population thereof is ten thousand or less, according to the last preceding State census even though the voters of said city have theretofore elected to remain incorporated under the special act governing such city, may at any time thereafter be incorporated under and made subject to the provisions of this act and the act of which this act is amendatory, as a city of the fourth class as follows: When one hundred or more freeholders residing within such city shall file with the council thereof, on or before the first day of July in any year, a petition praying that an election of the qualified voters of such city be called to determine the question as to whether such city shall become incorporated as a city of the fourth class under this act being act number two hundred fifteen of the public acts of this State for the year A. D. eighteen

Certain cities
incorporated by
general law etc.

Proviso as to
when election
may be called.

Further pro-
viso.

Election when held.	hundred ninety-five, then it shall be the duty of the council within ten days after the filing of such petition to call a special election of the qualified voters of such city to determine such question. Any election held under the provisions of this chapter shall be held upon such day, and at such time and in such places in said city as may be designated by a resolution of the council: <i>Provided</i> , That the same shall be held on or before the first day of December in the year in which the petition as above provided is filed. Notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of such city for the calling of special elections, and the votes shall be counted and canvassed, and the returns shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes, and the determining of the result thereof at special elections. No new registration shall be necessary for the holding of such election, and only those whose names shall appear in the registration books used at the next previous annual city election shall be entitled to vote at such election. The ballots used at such election shall contain the instructions required by the general election laws of the State, and the proposition to be submitted shall be in the following language:
Proviso.	
Notice of election.	
New registration not necessary.	
Form of ballot.	For becoming reincorporated under the general law—Yes. <input type="checkbox"/> For becoming reincorporated under the general law—No. <input type="checkbox"/>
Vote required to become reincorporated.	If a majority of the votes cast at such election shall be in favor of reincorporating under the provisions of this act, then such city shall become reincorporated under and made subject to the provisions of this act on the first day of January in the year following such special election. At the next regular meeting the council shall, by a resolution to be entered in the record of their proceedings, recite that at said election, stating the date thereof, the question as to whether said city should be reincorporated as a city of the fourth class under the provisions of this act was submitted to a vote of the electors of the city, and that a majority of those voting upon the question, voted for reincorporation, and shall in the resolution declare that, in accordance with said vote, the said city shall be and is reincorporated as a city of the fourth class; the clerk of the city shall record the same in the record of the proceedings of the council and shall make a copy of so much of the record of the proceedings of the meeting at which the same was adopted as may be necessary to show the time and place of holding such meeting, and the names of the members of the council who were present, and the passage of said resolution, including a true copy thereof. To said copy the clerk and the mayor of the city shall annex their certificate, under the corporate seal of the city showing the same to be a true copy of said record, which said certified copy of the record and resolution aforesaid shall be designated as a "declaration of reincorporation" and shall be transmitted to, and
Duty of the council.	
Clerk to make copy of record of proceedings.	
Clerk and mayor to annex certificate.	

filed and recorded in the office of the Secretary of State, and the declaration of reincorporation filed in the office of the Secretary of State, or the records thereof, or certified copies of such records shall be prima facie evidence of the due and legal reincorporation of such city as a city of the fourth class under the provisions of this act. When filed.
Evidence of
reincorpora-
tion.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 137.]

AN ACT to authorize the State Board of Agriculture to hold Institutes and to Establish and Maintain Courses of Reading and Lectures for the instruction of citizens of this State in the various branches of Agriculture, Mechanic arts, Domestic Economy, and the Sciences relating thereto, and making an Appropriation therefor for the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred one, and to provide a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That the State Board of Agriculture is hereby authorized to hold institutes and to establish and maintain courses of reading and lectures for the instruction of citizens of this State in the various branches of agriculture, mechanic arts, domestic economy, and the sciences relating thereto. The said board shall formulate such rules and regulations as it shall deem proper to carry on the work contemplated in this act, and may employ such agent or agents to perform such duties in connection therewith as it shall deem best. Board authoris-
ed to hold insti-
tutes etc.

May formulate
rules and regu-
lations.

SEC. 2. In each county where an institute society shall be organized and maintained under the provisions of this act, the State Board of Agriculture shall annually hold at least one institute of at least two days in length. When twenty or more persons, residents of any county in this State, shall organize themselves into a society to be called the _____ County Farmers' Institute Society, for the purpose of carrying out the objects of this act, and in accordance with rules and regulations furnished by the State Board of Agriculture, such society shall be deemed an institute society in the meaning of this act: *Provided*, That not more than one such institute society in any county shall be authorized by this act. The State Board of Agriculture shall hold one-day institutes in such counties of the State as it may deem expedient, but not to exceed four annually in any one county. The State Board of Agriculture may also hold, at such places and times as it may determine, special institutes, at which the primary Where insti-
tutes to be
held.

Proviso.

object shall be to furnish a school of instruction in the lines specified in section one of this act.

Appropriation. SEC. 3. For the purposes mentioned in the preceding section, the State Board of Agriculture may use such sum as it shall deem proper, not exceeding the sum of five thousand five hundred dollars, in the year ending June thirty, nineteen hundred, and five thousand five hundred dollars in the year ending June thirty, nineteen hundred one: *Provided*, That two hundred dollars of this appropriation shall be available before June thirty, eighteen hundred ninety-nine.

Proviso.

How paid.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Board of Agriculture, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax.

SEC. 5. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of five thousand five hundred dollars, and for the year nineteen hundred the sum of five thousand five hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

To publish annual report.

What to contain.

Who to print report.

Members of county societies furnished with report.

Who to publish, etc., report for year ending June thirtieth, eighteen hundred ninety-nine.

SEC. 6. The State Board of Agriculture is further authorized to publish an annual report, to be known as the "Farmers' Institute Bulletin," of not to exceed two hundred fifty pages, which shall contain, besides statistical reports of the work done and expenditures incurred under this act, such addresses and discussions occurring at the meetings held under this act, as the Board of Agriculture shall deem of sufficient interest to warrant publication. The Board of State Auditors is hereby directed to print said report and to cause it to be bound in substantial binding, in the same manner as other reports are printed and bound, and in number sufficient to furnish one to each member of each County Farmers' Institute Society organized under this act, and not to exceed one thousand five hundred in addition for general distribution by the Board of Agriculture. The Secretary of State is hereby directed to ship by freight to the secretary of each regularly organized County Farmers' Institute Society a sufficient number of copies of said report to supply one to each member of such county societies.

SEC. 7. The Board of Agriculture, the Board of State Auditors and the Secretary of State are hereby authorized and directed to publish, print, bind and distribute a similar report for the year ending June thirtieth, eighteen hundred ninety-nine, as provided in section four, for future reports under this act.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 138.]

AN ACT making Appropriations for Current Expenses, and Building and Special Purposes for the Michigan Home for the Feeble Minded and Epileptic, for the six months ending June thirty, eighteen hundred and ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and providing a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for the current expenses of the Michigan Home for the Feeble Minded and Epileptic for the six months ending June thirty, eighteen hundred and ninety-nine, the sum of twenty-seven thousand dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of fifty-three thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of fifty-three thousand dollars. Appropriation.

SEC. 2. The further sum of fifty thousand six hundred fifty-five dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Ten thousand dollars for the purchase of two hundred acres of land; fifteen hundred dollars for heating apparatus, complete, for one building; fifteen thousand dollars for the construction of one boiler house and chimney, two boilers and setting same, two live steam water purifiers and heaters, setting and connecting same, one boiler feed pump, six by four by six, thirteen hundred sixty feet ten inches steam main and setting at one dollar and fifty cents per foot, thirteen hundred sixty feet of six inch return pipe at one dollar and twenty-five cents per foot; ten thousand five hundred dollars for twelve hundred ten feet of covered passage way; nine hundred dollars for three hundred fifty feet of brick tunnel for steam pipe from covered way to boiler house; four thousand five hundred dollars for two one hundred H. P. engines and setting, two fifty K. W. dynamos, one twenty-five H. P. motor, one fifteen H. P. motor, one switch board, complete, for the same; four thousand dollars for ninety-seven rods of twelve inch tile sewer laid, and seventy rods of six inch tile sewer laid; one hundred seventy dollars for one hundred seventy feet eight inch iron sewer pipe and setting; one thousand dollars for cement walks; two hundred fifty dollars for one thousand fruit trees; ninety dollars for steel ceilings for repairs on rooms in cottages "A" and "B;" seven hundred forty-five dollars for triplex power pump and engine for pumping water from creek to boiler house; two thousand dollars for two fire escapes. The further sum of twenty-five thousand dollars is hereby appropriated for the fiscal year ending June Further appropriation.

How used.

thirty, nineteen hundred one, for the construction of one cottage complete.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Michigan Home for the Feeble Minded and Epileptic at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax.

SEC. 4. The Auditor General shall incorporate with the State tax for the year eighteen hundred ninety-nine the sum of one hundred seventeen thousand one hundred fifty-five dollars; for the year nineteen hundred the sum of seventy-eight thousand dollars, and for the year nineteen hundred and one the sum of thirteen thousand five hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 139.]

AN ACT to amend the title to, and sections one and eight; and to repeal sections two, six and seven of act number two hundred twelve of the session laws of one thousand eight hundred ninety-three, entitled "An act Establishing a Home for the Soldiers, Sailors and Marines who served in the late civil war, their wives and mothers, and making appropriation for the erection and maintenance thereof," approved June two, eighteen hundred ninety-three.

The People of the State of Michigan enact:

Title amended.

SECTION 1. That the title of act number two hundred twelve of the session laws of eighteen hundred ninety-three, entitled "An act establishing a home for the soldiers, sailors and marines who served in the late civil war, their wives and mothers, and making appropriation for the erection and maintenance thereof," be and the same is hereby amended so as to read: An act to establish a home for widows, wives and mothers of soldiers, sailors and marines who served in the Mexican war, or late civil war, making appropriation for its erection and maintenance, and regulating the government and management thereof.

Sections repealed.

SEC. 2. Sections two, six and seven of said act are hereby repealed.

Sections amended.

SEC. 3. Sections one and eight of said act are hereby amended so as to read as follows:

SECTION 1. There shall be erected upon the ground of the Michigan Soldiers' Home a dormitory building, cottage or cottages, not to cost when completed a sum to exceed twenty-five thousand dollars, for the care of widows, wives and mothers of honorably discharged soldiers, sailors or marines who served in the Mexican war or the late civil war: *Provided*, That such widows or wives must have been married to such soldier, sailor or marine previous to the first day of January, one thousand eight hundred seventy-five.

Dormitory to be erected.

Cost.

Purpose.

Proviso.

SEC. 8. The conditions as to eligibility for admission into the home shall be: The husband or son of the applicant must have served in a Michigan regiment or have been accredited to the State of Michigan or have been a resident of the State on the fifth day of June, one thousand eight hundred eighty-four, and must have served in the army or navy of the United States during the Mexican or late civil war, and have been honorably discharged therefrom. Said applicant must be disabled by disease or otherwise, or without adequate means of support, and by reason of such disability, incapable of earning her living and dependent upon public or private charity.

Conditions for admission.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 140.]

AN ACT making Appropriations for the Michigan State Library for the six months ending June thirty, eighteen hundred ninety-nine, for the purchase of Books and Equipments, and for the Michigan Traveling Libraries, and to amend act twenty-five, Session Laws of eighteen hundred ninety-nine, approved March twenty-nine, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for the purchase of books, pamphlets, papers, documents, and other matter for the library and for other purposes of benefit and advantage to said library to be expended with the advice and consent of the Governor, for the six months ending June thirty, eighteen hundred ninety-nine, the sum of two thousand five hundred dollars.

Appropriation.

SEC. 2. There is hereby appropriated for the purchase of books and equipment of the Michigan traveling libraries, for the six months ending June thirty, eighteen hundred ninety-nine, the sum of one thousand two hundred fifty dollars.

How used.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the State Librarian, at such times and in such

How paid.

amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax.

SEC. 4. The Auditor General shall incorporate in the State tax of eighteen hundred ninety-nine the sum of four thousand three hundred seventy-five dollars and in the year nineteen hundred the sum of two thousand five hundred dollars, and in the year nineteen hundred and one the sum of one thousand eight hundred and seventy-five dollars. Two thousand five hundred dollars included in the tax of eighteen hundred ninety-nine, and the two thousand five hundred dollars tax for nineteen hundred being to cover the amount appropriated by section two, act twenty-five, session laws of eighteen hundred ninety-nine, for which no tax clause was provided.

What considered advance payments.

SEC. 5. The appropriations made by act twenty-five, session laws of eighteen hundred ninety-nine, approved March twenty-nine, eighteen hundred ninety-nine, for the years eighteen hundred ninety-nine and nineteen hundred, are hereby made to cover the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, respectively, and any payments made thereunder prior to July first, eighteen hundred ninety-nine, shall be considered as advance payments under this act up to the amount appropriated hereby.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 141.]

AN ACT to amend section seventeen of chapter six of act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," the same being compiler's section four thousand three hundred seventy of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section seventeen of chapter six of act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," be and the same is hereby amended to read as follows:

Who to be a party to suit to set aside drain tax.

SEC. 17. In any suit brought to set aside any drain tax, or in any way attacking the legality of any drain proceedings, the county drain commissioner shall be made a party to said

suit, and it shall be the duty of the prosecuting attorney of the county where said drain is situated to defend said drain proceedings. Who to defend drain proceedings.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 142.]

AN ACT to repeal section eight of act number two hundred six of the laws of eighteen hundred eighty-one, entitled "An act to provide for the uniform regulation of certain State institutions," and amendments thereto, being section two thousand two hundred thirty of the Compiled Laws of eighteen hundred ninety-seven, and to provide for a change from the calendar to the fiscal year for all limited and standing appropriations where the specific act of appropriation does not so provide.

The People of the State of Michigan enact:

SECTION 1. Section eight of act number two hundred six of the laws of eighteen hundred eighty-one, entitled "An act to provide for the uniform regulation of certain State institutions and to repeal section seven of act number one hundred forty-eight of the laws of eighteen hundred seventy-three, act number one hundred sixty-two of the laws of eighteen hundred seventy-three, act number thirty-one of the session laws of eighteen hundred seventy-five, section seventeen of act number two hundred thirteen of the laws of eighteen hundred seventy-five, section seventeen of act number one hundred seventy-six of the laws of eighteen hundred seventy-seven, section sixteen of act number one hundred thirty-three of the laws of eighteen hundred seventy-nine, section twenty of act number two hundred fifty of the laws of eighteen hundred seventy-nine, and all acts or parts of acts contravening the provisions of this act," and any and all amendments thereto, being section two thousand two hundred thirty of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby repealed. Section repealed.

SEC. 2. The Auditor General shall keep all accounts with appropriations made for any State institution or board by fiscal years, and whenever provision therefor is not contained in the act making the appropriation, and the tax for meeting the same is provided in the specific appropriation bill, the appropriation met by such tax levied in the legislative year shall be for the period ending June thirty of the succeeding year, and the tax levied in the succeeding year shall be appropriated for the period ending June thirty following: Auditor General to keep accounts.

Proviso. *Provided*, That nothing herein contained shall affect the appropriations heretofore made for the University of Michigan. This act is ordered to take immediate effect.
Approved June 23, 1899.

[No. 143.]

AN ACT to provide for an extension of the corporate life of commercial banks, savings banks and banks having departments for both classes of business, heretofore organized under the laws of this State, whose term of existence would otherwise expire, and to fix the duties and liabilities of such renewed corporations.

The People of the State of Michigan enact:

When corporate existence may be extended.

SECTION 1. Any bank, organized under the laws of this State, whose term is about to expire by limitation, may at any time within two years next preceding the expiration of such term, and with the approval of the Commissioner of the Banking Department, to be granted as hereinafter provided, extend its corporate existence for a term of not more than thirty years from the expiration of the period named in said articles of association, and shall have succession for such extended period unless sooner dissolved, in the manner provided by law.

Extension, how authorized.

SEC. 2. Such extension shall be authorized by the consent in writing of shareholders owning not less than two-thirds of the capital stock of the association; and the board of directors shall cause such consent to be certified under the seal of such banking corporation by its president or cashier, to the Commissioner of the Banking Department, accompanied by an application made by the president or cashier of any such banking corporation for the approval of the extension by the Commissioner of the Banking Department, and such extension shall not be valid until the Commissioner of the Banking Department shall give to such banking corporation a certificate under his hand and seal that the banking corporation making such application has complied with all the provisions required by law.

When banking commissioner to cause special examination.

SEC. 3. Upon the receipt of the application and certificate provided for in the preceding section, from any such banking corporation, the Commissioner of the Banking Department shall cause a special examination to be made of the banking corporation making such application, for the purpose of determining its condition, and if, after such examination, it appears to him that such banking corporation is in a satisfactory condition, he shall, upon the payment of such a franchise fee as such bank would be required to pay if a new corporation

were organized, grant his certificate of approval provided for in the preceding section.

SEC. 4. Within twenty days from and after the issuing of such certificate of approval to any banking corporation as heretofore provided, such banking corporation shall prepare triplicate copies of its articles of association providing for such extension, and the certificate of approval issued by the Commissioner of the Banking Department, to be verified by the oath of the president or cashier of such banking corporation. One of said triplicates shall be filed in the office of the Secretary of State, one in the office of the Commissioner of the Banking Department, and one with the clerk of the county where the principal office of the banking corporation is located, and shall be recorded at the expense of said banking corporation, and the triplicates so filed and the record thereof, or certified copies of either of said records, shall be prima facie evidence of the extension of the corporate life of any such banking corporation.

To prepare triplicate copies of articles of association.

Where filed.

Evidence of extension.

SEC. 5. The renewal term of such banking corporation shall begin from the expiration of the former term, and a banking corporation whose term has thus been renewed shall be the same corporation, and own all its property, and be subject to all its liabilities, and have the same stockholders and members and the same officers. The rights of all persons interested in said banking corporation shall continue as before such extension. The articles of association and by-laws thereof may be changed or amended by the corporation in the manner required by law.

Renewed term when to begin.

Articles may be amended.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 144.]

AN ACT providing a uniform method for computing fractional payments in the public service of the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. That the Auditor General is hereby authorized and directed to establish a uniform system for the payment of all employes in the service of this State, wherever it is necessary to pay only a fractional unit of said salary or wages.

Auditor General to establish uniform system for payment of State employes.

SEC. 2. As soon after the passage of this act as practicable the Auditor General shall formulate the uniform method required by section one, and prepare tables accompanied by the necessary instructions for their use, setting forth the exact amount due upon any fractional period, for any rate of salary or wages, and furnish a copy to each institution, or officer

To prepare tables; what to set forth, etc.

whose duty it is to make disbursements to officers or employees in any branch of the State's service.

Fractional payments, how made.

SEC. 3. Commencing with July first, eighteen hundred ninety-nine, all fractional payments shall be made in accordance with the method prescribed by the Auditor General as provided by this act.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 145.]

AN ACT making an appropriation for the purpose of erecting, equipping and furnishing a workshop and general purpose building on the grounds of the Industrial School for Boys, to replace stores and supplies recently destroyed by fire, to enlarge windows in the east wing of the main building, and to provide a temporary building for such institution.

The People of the State of Michigan enact:

Appropriation for workshop, etc.

SECTION 1. That there be and is hereby appropriated from the general fund the sum of twenty-two thousand dollars for the purpose of erecting a workshop and general purpose building on the ground of the Industrial School for Boys.

For furnishing shop, replacing supplies, etc.

SEC. 2. That the further sum of seventeen thousand six hundred dollars be and is hereby appropriated from the general fund for the purpose of equipping and furnishing such workshop and general purpose building, and to replace stores and supplies recently destroyed by fire.

Temporary buildings.

SEC. 3. That the further sum of eighteen hundred dollars is hereby appropriated from the general fund for the purpose of erecting a temporary building on the grounds of the Industrial School for Boys, for the temporary use of said school during the erection of the building provided for in section one.

Windows in main building.

SEC. 4. The further sum of one thousand dollars is hereby appropriated from the general fund for the purpose of enlarging the windows of the east wing of the main building.

How drawn.

SEC. 5. That the moneys hereby appropriated may be drawn from the State Treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary.

Auditor General to incorporate in State tax.

SEC. 6. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred ninety-nine the sum of forty-two thousand four hundred dollars, which sum,

when collected, shall be credited to the general fund to reimburse it for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 146.]

AN ACT to authorize the Michigan Dairymen's Association to gather dairy statistics and compile and edit them with the proceedings of their annual meeting, and to distribute the same among the dairymen of the State, and making an appropriation therefor.

The People of the State of Michigan enact:

SECTION 1. That the Michigan Dairymen's Association is hereby authorized to gather the statistics of the amount of butter and cheese made in the State, to compile and edit the same with their annual report, and to distribute the same among the dairymen of the State, and said association shall formulate such rules and regulations as it shall deem proper to carry on the work contemplated in this act, and may employ an agent or agents to perform such duties in connection therewith as it shall deem best.

Association to gather and compile statistics.

May employ agents.

SEC. 2. For the purposes in the preceding section, the said Michigan Dairymen's Association may use such sums as it shall deem proper, not exceeding three hundred dollars, for the necessary current expenses of the Michigan Dairymen's Association each year, all of which the State Treasurer shall pay to the said association annually on the warrants of the Auditor General from time to time, as their vouchers for the same shall be exhibited and approved.

Amount of money allowed.

SEC. 3. The Auditor General shall add to and incorporate with the State tax the sum of three hundred dollars annually, and such amount is hereby appropriated from the general funds of the State, which said sums shall be included in the State taxes apportioned by the Auditor General on all the taxable property of the State, to be levied, assessed and collected as other State taxes, and when so assessed and collected, to be paid into the general fund to reimburse said fund for the appropriation made by this act.

Auditor General to incorporate in State tax.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 147.]

AN ACT in relation to the manufacture and sale of oleomargarine or imitation butter.

The People of the State of Michigan enact:

Unlawful to sell butter substitute not properly labeled.

How labeled and stamped.

Duty of persons selling butter substitute.

Placards to be used where sold.

Terms unlawful to use.

SECTION 1. No person shall sell, expose or offer for sale or exchange, or have in his possession with intent to sell or exchange, any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless each and every vessel, package, roll or parcel of such substance has distinctly and durably printed, stamped or stenciled thereon in black letters the true name of such substance, in ordinary bold faced capital letters, not less than five line pica in size; and also the name and address of the manufacturer, together with the name of each and every article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters, not less than pica in size.

SEC. 2. No person shall sell, exchange or deliver any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless he shall distinctly inform the purchaser by a verbal notice at the time of the sale that the same is a substitute for butter, and shall also deliver to the purchaser of each and every roll, package or parcel of such oleomargarine or other substance, at the time of the delivery of the same, a separate and distinct label, on which is plainly and legibly printed in black ink in ordinary bold faced capital letters not less than five line pica in size, the true name of such substance and also the name and address of the manufacturer, together with the name of each article used and entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

SEC. 3. The proprietor or keeper of any store, hotel, restaurant, eating saloon, boarding house, or other place where oleomargarine is sold or furnished to persons paying for the same, shall have placed on the walls of every store or room where oleomargarine is sold or furnished, a white placard on which is printed in black ink, in plain Roman letters of not less than three inches in length, and not less than two inches in width, the words "Oleomargarine Sold or Used Here." and shall at all times keep the same exposed in such conspicuous place as to be readily seen by any and all persons entering such store, or other room or rooms.

SEC. 4. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "Butter," "Creamery," or "Dairy," or the name or representation of any breed of dairy cattle, or any com-

bination of such word or words and representatation, or any other words or symbols or combinations thereof commonly used in the sale of butter.

SEC. 5. For the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Word "butter,"
how construed.

SEC. 6. For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "Oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and offal fat, made in imitation or semblance of butter, or, when so made, calcuated or intended to be sold or used as butter or for butter.

Certain com-
pounds to be
designated
oleomargarine.

SEC. 7. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, in each and every offense. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Violation a
misdemeanor.

Penalty.

Repealing
clause.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 148.]

AN ACT to amend section five of act number one hundred forty-eight of the public acts of eighteen hundred seventy-three, entitled "An act relating to the accounting for money received and expended by certain officers," being section twelve hundred nine of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section five of act number one hundred forty-eight of the public acts of eighteen hundred seventy-three, entitled "An act relating to the accounting for money received and expended by certain officers," being section twelve hundred nine of the Compiled Laws of eighteen hundred ninety-seven, is hereby amended to read as follows:

Money appropriated for State institutions; how drawn.

SEC. 5. Money appropriated by any act of the legislature for the use or benefit of any State educational, charitable, reformatory or penal institution, or to be disbursed by any officer, may be drawn from the State treasury upon the warrant of the Auditor General, as follows, viz.: Under appropriations for current expenses monthly for pro rata amounts:

Proviso as to amounts.

Provided, That all educational and other institutions having annual vacations may draw from the State treasury monthly for equal tenths of the annual appropriation, in such months as will best suit the requirements of each of this class of institutions; and under appropriations for purposes other than current expenses, at such intervals and for such amounts as may best meet the purposes of such appropriations; but at no time shall an amount be in excess of the amount necessary for the current month, as shown by the requisition of the proper officer or board, to be made in writing and under oath; and the Auditor General is hereby prohibited from drawing his warrant until itemized vouchers, showing quantities, prices per unit and totals for all material, labor or services covered by the disbursements of money previously drawn, for either current expenses or building and special purposes, whether the money thus disbursed be received from the State treasury or from some other source or sources, shall be presented, examined and audited as provided in section three of this act:

When Auditor General not to issue warrant for money.

Proviso as to construction of certain terms.

Provided, however, That the words "covered by the disbursements of money previously drawn" shall be so construed as to leave a reasonable working balance in disbursing officers' hands for immediate use. Money applicable to current expense for any specified year, whether from direct appropriation or from other sources, can be used only for the expenses of the year specified in the appropriation act, or the year in which receipts from the said "other sources" become available. All current expense disbursements made after the close of the appropriation year from funds of the preceding year must be accompanied by a statement under oath from the proper officer or board that they were for expenses incurred for the preceding appropriation year. Current expense money for the preceding appropriation year in the hands of any disbursing officer, or board, of any of the State institutions, or boards, on December fifteenth, of any year, shall be immediately forwarded to the State Treasurer, and the same shall be covered into the State treasury upon the books of the Auditor General, as provided in section three hundred sixty-

Current expense money used when.

one Howell's Annotated Statutes. The general distinction between appropriations for "current expenses" and for "purposes other than current expenses" as used in this section shall be understood to be that disbursements under the head of "purposes other than current expenses" are limited to the exact amounts and purposes specified in the act of appropriation; while the purposes for which disbursements under the head of "current expenses" may be made, are determined by estimates of the several officers, or boards, upon which said appropriations were based; and for this purpose the several officers, or boards, shall file with the Auditor General a copy of such estimate: *Provided*, That when appropriations are made for current expenses, or general purposes, where no itemized estimates were furnished as a basis therefor, then the class of disbursements shall be determined by the officer or board of the institution making them, and if the same shall appear to the Auditor General to be within the range of reasonable purposes he shall approve the account. The provisions of this section shall become operative July first, eighteen hundred and ninety-seven, and the Auditor General shall notify the several institutions or boards of such modifications of past methods as are necessary to meet its requirements, in time to have the accounting for the fiscal year commencing July first, eighteen hundred and ninety-seven, conform thereto: *Provided*, Nothing in this section shall be construed as prohibiting the completion of buildings or other special improvements, under contract at the time this act shall take effect, in accordance with the methods of accounting adopted in the several instances.

Distinction between certain funds.

Proviso.

When section to become operative.

Proviso as to completion of buildings, etc.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 149.]

AN ACT to provide for the collection, arrangement and display of the manufactures, arts and products of the State of Michigan, at the Ohio Centennial and Northwest Territory Exposition, providing for the appointment of a commission to prepare plans for and supervise the same, and report to the next legislature.

Whereas, Ohio was the first State to be formed out of the great Northwest Territory and has provided, by an act of the Legislature, passed April twenty-six, eighteen hundred ninety-eight, for an exposition to be held at Toledo, in the State of Ohio, in commemoration of the first centennial of its admission as a State into the Union; and

Preamble.

Idem.

Whereas, It is of great importance that the natural resources, industrial development and progress of the arts and sciences of the State of Michigan, which State formed a part of the Northwest Territory, should be fully and creditably displayed at said exposition, and as it will require large preliminary investigation and work in securing information and in preparing plans in order that the State Legislature may act intelligently and effectively in assisting to make the display worthy of this State and its people; now therefore

The People of the State of Michigan enact:

Commission created.

SECTION 1. That, for the purpose of arranging and exhibiting the manufactures, arts, products, resources and general development of the State of Michigan at the exposition to be held under the authority and direction of the State of Ohio at Toledo, in that State, in commemoration of the admission of the State of Ohio into the Union, a commission is hereby constituted to be designated and known as the Michigan Board of Managers at the Ohio Centennial, which shall consist of five citizens of this State, and is to be organized and continue its duties as hereinafter provided.

Number of members.

Governor to appoint, etc.

SEC. 2. The members of said board shall be appointed by the Governor within twenty days after the passage of this act, not more than three of whom shall belong to any one political party, the Governor to be an ex-officio member and president of said board, and said board shall meet at such time and place as the Governor shall appoint, and organize by the election of vice-presidents and a secretary. A majority of said board shall constitute a quorum for the transaction of business. The board shall have the power to make rules and regulations for its own government, not in conflict with the laws of the State, or with the laws, rules and regulations governing said exposition. Any member of said board may be removed at any time by the Governor. All vacancies in said board which may occur by death, resignation, removal or otherwise, shall be filled by the Governor.

Quorum.

Power of board.

Vacancy.

Compensation.

Expenses, how paid.

SEC. 3. Members of said board shall not be entitled to any compensation, except their actual expenses when necessarily absent from their homes on the business of said board. The expense shall be itemized and approved by the Governor, and when so approved, shall be paid by warrant drawn by the Auditor General upon the treasury, out of any funds in the treasury not otherwise appropriated.

Board to have charge of exhibition, etc.

SEC. 4. Said board shall have charge of the interests of this State and its citizens in the preparation and exhibition at said exposition of the manufactures, arts, and the natural and industrial products of the State, the objects illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests, reputation and prosperity of this State

at the exposition; it shall collect, obtain and disseminate throughout the State, all necessary information regarding said exposition, notify the people of the State of the purpose thereof, and prepare plans for the representation and display of the State at said exposition, and make full report of its proceedings, plans and recommendations to the next session of the State Legislature: *Provided*, That not more than one thousand dollars shall be expended under the provisions of this act. Proviso.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 150.]

AN ACT to provide for the Compilation and Copying of the Records in the office of the Adjutant General pertaining to the Enlistment, Muster, History and final disposition of the Soldiers and Sailors from this State during the Spanish-American war, and for the publication of a roster of Michigan soldiers for the said war, and to make appropriation therefor.

The People of the State of Michigan enact:

SECTION 1. That the Adjutant General is hereby authorized and directed to provide suitable books and to compile and copy from papers now on file in his office and from such other official papers as he may obtain, the military or naval history of each and every soldier or sailor who enlisted from, or was credited to this State during the war with Spain. Such history shall show, as far as may be possible, the name, age, date of enlistment, military or naval history and final disposition of each such soldier or sailor. Adjutant General to compile history of soldiers and sailors.

SEC. 2. The sum of four thousand dollars is hereby appropriated or so much thereof as may be necessary, out of any moneys in the State Treasury to the credit of the general fund not otherwise appropriated for the purpose mentioned in this act. What history to show.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-nine the sum of one thousand dollars and in the year nineteen hundred the sum of three thousand dollars to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section two of this act. Appropriation.

This act is ordered to take immediate effect.

Approved June 23, 1899.

To be incorporated in State tax.

[No. 151.]

AN ACT to specify the Sources of authority for the issuing of Medical Diplomas; and to prevent the issuing of Medical Diplomas, and Certificates to serve as Diplomas, by unauthorized Corporations or Persons.

The People of the State of Michigan enact:

When unlawful to issue medical diplomas and certificates.

SECTION 1. That, excepting licenses issued in accordance with law by the State Board of Medical Examiners, and diplomas issued by the University of Michigan, it shall be unlawful for any person or corporation except a legally incorporated and reputable college of medicine and surgery having and requiring actual attendance at a course of study of not less than three years of eight months each, to issue a diploma or certificate setting forth or implying that the holder thereof is qualified to practice medicine or surgery, in any of their branches. Whoever shall violate this section shall, on conviction, be deemed to be guilty of a misdemeanor, and be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Violation a misdemeanor.

Penalty.

Repealing clause.

SEC. 2. All provisions in existing law inconsistent with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 152.]

AN ACT to Provide a Tax to meet the amounts disbursed by the State for the current expenses of the Michigan State Prison, the State House of Correction and Reformatory, and the State House of Correction and Branch Prison, Upper Peninsula.

The People of the State of Michigan enact:

Amounts Auditor General to incorporate in State tax.

SECTION 1. The Auditor General shall add to and incorporate with the State tax for the years eighteen hundred ninety-nine and nineteen hundred, for the purpose of reimbursing the State for moneys to be disbursed under existing laws on account of the current expenses of the Prisons and Houses of Corrections herein specified, the following sums to-wit: For the year eighteen hundred ninety-nine, on account of expenditures for the Michigan State Prison, the sum of fourteen thousand dollars; for the State House of Correction and

Branch Prison, Upper Peninsula, the sum of forty thousand dollars, and for the State House of Correction and Reformatory, the sum of fifty-six thousand dollars; and for the year nineteen hundred, on account of expenditures for the Michigan State Prison, the sum of six thousand dollars; for the State House of Correction and Branch Prison, Upper Peninsula, the sum of thirty-four thousand dollars, and for the State House of Correction and Reformatory, the sum of fifty thousand dollars, which sums, when collected, shall be placed to the credit of the general fund to reimburse the same for moneys previously expended.

SEC. 2. The several sums appropriated or disbursed by the provisions of law for which this tax is levied, shall be paid out of the general fund in the State Treasury to the proper board or officer of the respective institution at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer of such institution shall render his accounts to the Auditor General thereunder.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 153.]

AN ACT to provide a Tax to meet the amounts disbursed by the State at the several Asylums for the Support of Patients under the several laws relating thereto.

The People of the State of Michigan enact:

SECTION 1. The Auditor General shall add to and incorporate with the State tax for the years eighteen hundred ninety-nine and nineteen hundred for the purpose of reimbursing the State for moneys to be disbursed under existing laws on account of the support of patients in the several State asylums the following sums, to-wit: For the year eighteen hundred ninety-nine, on account of expenditures for the Eastern Michigan Asylum, the sum of one hundred thirty-six thousand one hundred three dollars and fifty-five cents; for the Michigan Asylum, the sum of one hundred forty-four thousand seven hundred sixty-nine dollars and seventy-four cents; for the Northern Michigan Asylum, the sum of one hundred forty three thousand one hundred twenty-four dollars and sixty two cents; for the Michigan Asylum for Dangerous and Criminal Insane, the sum of thirty-three thousand nine hundred seventy-seven dollars and twelve cents; for the Upper Peninsula Hospital for the Insane, the sum of thirteen thousand two hundred fifty-nine dollars and sixty-seven cents; and for

Amounts Auditor General to incorporate in State tax.

the Wayne County Asylum, the sum of thirty-two thousand one hundred twenty-one dollars and fifty-four cents; and for the year nineteen hundred, on account of expenditures for the Eastern Michigan Asylum, the sum of one hundred thirty-one thousand six hundred seventy-two dollars and seventy-five cents; for the Michigan Asylum, the sum of one hundred forty-two thousand nine hundred seventy-six dollars and sixty cents; for the Northern Michigan Asylum, the sum of one hundred forty-one thousand four hundred four dollars and eleven cents; for the Michigan Asylum for Dangerous and Criminal Insane, the sum of thirty-four thousand five hundred forty-seven dollars and seventy-two cents; for the Upper Peninsula Hospital for the Insane, the sum of twenty-eight thousand seven hundred seventy-three dollars and one cent; for the Wayne County Asylum, the sum of twenty-five thousand eighty-five dollars and sixty-three cents; and for the St. Joseph's Retreat, the sum of two hundred twenty-nine dollars and fifty cents, which sums, when collected, shall be placed to the credit of the general fund to reimburse the same for moneys previously expended.

Appropriations, how paid.

SEC. 2. The several sums appropriated or disbursed by the provisions of law for which this tax is levied, shall be paid out of the general fund in the State Treasury to the proper board or officer of the respective institution at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer of such institution shall render his accounts to the Auditor General thereunder.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 154.]

AN ACT to amend sections twenty-one and twenty-two of act number two hundred six of the Public Acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the Public Acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June one, eighteen hundred ninety-three, as amended by acts numbered twenty-five, one hundred fifty-four, one hundred sixty-two and two hundred ninety-nine of the Public Acts of eighteen hundred ninety-five, and acts numbered two hundred six, two hundred fourteen, two hundred twenty-four, two hundred twenty-five, two hundred twenty-nine, two hundred forty and two hundred sixty-one of the Public Acts of eighteen hundred ninety-seven, and to add ten new sections thereto, to stand as sections one hundred forty-five, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, one hundred fifty, one hundred fifty-one, one hundred fifty-two, one hundred fifty-three and one hundred fifty-four, providing for the creation of a Board of State Tax Commissioners, charged with the duty of enforcing this act, and exercising supervisory control over officers administering the general tax laws of this State and reporting to the Legislature thereon, and empowered in certain cases to review assessment rolls and correct the same or add thereto, and to provide for the assessment and taxation of property omitted from the assessment rolls.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June one, eighteen hun-

Sections
amended.

dred ninety-three, as amended by acts numbered twenty-five, one hundred fifty-four, one hundred sixty-two and two hundred ninety-nine of the public acts of eighteen hundred ninety-five, and acts numbered two hundred six, two hundred fourteen, two hundred twenty-four, two hundred twenty-nine, two hundred forty and two hundred sixty-one of the public acts of eighteen hundred ninety-seven, be and the same is hereby amended by amending sections twenty-one and twenty-two, and adding thereto ten sections, to be known as sections one hundred forty-five, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, one hundred fifty, one hundred fifty-one, one hundred fifty-two, one hundred fifty-three and one hundred fifty-four as follows:

Willful neglect
to make state-
ment, etc.

SEC. 21. In every case when any person or member of any firm or officer of any corporation shall wilfully neglect or refuse to make out and deliver a true and correct sworn statement, under oath, administered by the supervisor or other assessing officer or members of the Board of State Tax Commissioners herein provided for or other officers or shall answer falsely or refuse to answer questions concerning his property or property under his control, as required by this act, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than thirty days nor more than six months, or by fine not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment in the discretion of the court. And it shall be the duty of the supervisor, assessing officer, and each member of the Board of State Tax Commissioners whenever he is satisfied that any person liable to make such assessing statement is justly liable to such penalty, to report the case to the prosecuting attorney of the county and make proper complaint for such prosecution.

Penalty.

Complaint, who
to make.

Certain persons
authorized to
secure testi-
mony.

SEC. 22. If the supervisor or assessing officer or a member of the Board of State Tax Commissioners shall be satisfied that any statement so made is incorrect, or if, by reason of absence or other cause, said sworn statement cannot be obtained from the person firm or corporation whose property is so assessed, said supervisor, assessing officer or any member of the Board of State Tax Commissioners is hereby authorized and required to examine, on oath, to be administered by any of them any other person or persons whom he may have good reason to believe, and does believe has knowledge of the amount or value of any property owned held or controlled by such person so neglecting or refusing or omitting to be examined or to furnish such statement, and such supervisor or assessing officer is hereby authorized to set down and assess to such person firm or corporation so entitled to be assessed, such amount of real and personal property as he may deem reasonable and just.

Governor to
appoint board
of tax commis-
sioners.

SEC. 145. It shall be the duty of the Governor by and with the advice and consent of the senate within five days after this act shall have been approved by the Governor, to appoint

three resident free-holders of this State, who shall be duly qualified electors thereof, who shall constitute a Board of State Tax Commissioners, with powers and duties as prescribed under the provisions of this act, one of whom shall hold office until the thirty-first day of December, nineteen hundred; one of whom shall hold office until the thirty-first day of December nineteen hundred, and for two years thereafter; the other of whom shall hold office until the thirty-first day of December nineteen hundred, and for four years thereafter, or until their successors shall be appointed and have qualified, and thereafter their successors shall hold office for a term of six years, and until their successors shall be appointed and have qualified. At the expiration of the terms of office of the members of said board, their successors in office so long as this act shall remain in force, shall be appointed by the Governor by and with the advice and consent of the Senate. All appointments which are provided to be made by the Governor under this section of the act, shall be made while the legislature is in session, and not at any other time except in cases where vacancies in office shall occur otherwise than by expiration of the term of office of any member of said board. In case a vacancy in the office occurs otherwise than by expiration of the term, the Governor shall have power to appoint to fill such vacancy at any time, and the person so appointed shall hold office until the next meeting of the legislature after such appointment, and no longer.

Term of office.

When to be appointed.

Vacancy, how filled.

SEC. 146. Said board shall elect a secretary at a salary not to exceed fifteen hundred dollars per annum. The person so elected shall hold his office during the pleasure of said board and shall keep a record of all the proceedings of said board, which records with all other papers or proceedings of said board shall be a part of the records of the Auditor General's office, and of which the Auditor General shall be the lawful custodian. The secretary shall devote all his time to the duties of his office, and when said board is not in session, shall perform such duties as may have been assigned him by said board.

Secretary.

Compensation.

Term of office.

Duties, etc.

SEC. 147. The members of said board, and the secretary thereof, shall take and subscribe the constitutional oath of office to be filed with the Secretary of State. The members of said board shall receive an annual salary of two thousand five hundred dollars, and shall devote their whole time to the discharge of the duties of their office, and they shall also receive their necessary expenses in the performance of their duties, both to be audited and allowed by the Board of State Auditors, and paid monthly by the State Treasurer, out of the general fund.

Members of board to take oath.

Compensation.

SEC. 148. Regular sessions of said board shall be held at the office of said board at the capitol, to be furnished by the Board of State Auditors. The said board and the members thereof, shall have access to all books, papers, documents,

Office of, where located.

May subpoena witnesses.

Shall examine under oath.

Powers of board.

Meetings, when held.

Special meeting.

Duties of board.

Supervision over assessing officers.

To confer with and advise assessing officer.

statements and accounts on file or of record of any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of the public records. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. Said board shall have the right to subpoena witnesses upon a subpoena signed by the president of the said board, and attested by the secretary thereof, directed to such witnesses, and which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State, and the attendance of witnesses may be compelled by attachment to be issued by any circuit court in the State upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall have power to examine witnesses under oath, said oath to be administered by any member of said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State, and any officer or stockholder of any such corporation, any member of any such firm, or any person or persons who shall refuse to permit said inspection, or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 149. Said board shall hold regular meetings on the first Tuesday of March, June, July, August, September and October in each year, and may hold adjourned sessions as may be deemed necessary by it for the proper performance of the duties devolving upon said board. The chairman may call special sessions of the board whenever and wherever in the State he may deem it advisable so to do, and shall call such special sessions upon the written request of two members.

SEC. 150. It shall be the duty of said board:

1. To have and exercise general supervision over the supervisors and other assessing officers of this State, and to take such measures as will secure the enforcement of the provisions of this act, to the end that all the properties of this State liable to assessment for taxation shall be placed upon the assessment rolls and assessed at their actual cash value.

2. To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with the provisions of this act; to prefer charges to the

Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessment and taxation, and in the execution of these powers the said board may call upon the Attorney General or any prosecuting attorney in the State to assist said board.

3. To receive complaints as to property liable to taxation that has not been assessed, or has been fraudulently or improperly assessed, and to investigate the same, and to take such proceedings as will correct the irregularity complained of, if found to exist.

Complaints to be received.

4. To see that each county in the State be visited by at least one member of the board as often as once each year, to the end that all complaints concerning the law may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law, and all violations thereof be punished, and that all proper suggestions as to amendments and changes may be made.

Members to visit counties.

5. To require from any officer in this State, on forms prescribed by said Board of State Tax Commissioners such annual or other reports as shall enable said Board of State Tax Commissioners to ascertain the assessed valuations and equalized valuations of all property listed for taxation throughout the State under this act; the amount of taxes assessed, collected and returned delinquent, and such other matter as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act.

Statistical information to be furnished by officers.

6. To inquire into and ascertain the valuation of the properties of corporations paying specific taxes under any of the laws of this State, and to ascertain the actual rate of taxation as based upon the valuation of said properties that is being paid by said corporations, and to this end said board shall require reports from, and make investigations, as to the properties of such corporations in the same manner and to the same extent as if said corporations were paying taxes under this act.

Corporations to furnish reports.

7. To make diligent investigation and inquiry concerning the revenue laws and systems of other states and countries, so far as the same is made known by published reports and statistics, and can be ascertained by correspondence with officers thereof, and with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the legislature, at each regular session thereof, such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenues.

To make reports to legislature relative to revenue laws.

8. To further report to the legislature at each regular session thereof, or at such other times as the legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county and township and municipal purposes, with the sources thereof; the amount lost;

Relative to taxes collected.

the causes of the loss; the proceedings of said board, and such other matters of information concerning the public revenues as it may deem of public interest.

Relative to valuation of properties.

9. To further report to the legislature at the beginning of the regular sessions, specifically, the true valuation of the properties of corporations paying specific taxes and the rate of taxation actually paid on said valuation and the true valuation of all other properties of the State and the rate of taxation the same are paying, to the end that the legislature shall have the information necessary to rearrange the rate or system of taxation on said properties, so that all taxable properties of the State may be taxed uniformly.

Members to attend meetings of board.

10. To be present at each meeting of the State Board of Equalization and furnish such information as said board may require, and that may assist said board in the performance of the duties imposed upon it by law.

Annual report to Governor.

SEC. 151. The Board of State Tax Commissioners shall, on or before the fifteenth day of December in each year, make an annual report to the Governor of this State, setting forth the workings of said commission during the preceding year, and containing the findings and recommendations of said commission in relation to all matters of taxation. The Board of State Auditors shall cause five thousand copies of said annual report to be printed on or before the fifteenth day of January succeeding the making of said report. Three hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange.

Report to be printed.

Assessment rolls to be inspected by board.

SEC. 152. After the various assessment rolls required to be made under this act shall have been passed upon by the several boards of review, and prior to the time fixed for equalization and apportionment of State and county taxes, the said several assessment rolls in the State shall be subject to inspection by said Board of State Tax Commissioners or by any member thereof; and in case it shall appear, or be made to appear, to said board that property subject to taxation has been omitted from said roll, or individual assessments have not been made in compliance with law, the said board may issue an order directing the assessor whose assessments or failure to assess is complained against, to appear with his assessment roll at a time and place to be stated in said order, said time to be not less than seven days from the date of issuance of said order, and the place to be at the office of the board of supervisors at the county seat or such other place in said county in which said roll was made, as said board shall deem most convenient for the hearing herein provided. A notice of the time and place that said assessor is ordered to appear with said roll, together with a statement of the persons whose property or whose assessments are to be considered shall be published in a newspaper published at the county seat of said county if there be one; if not in some paper printed in said county if there be any, at least, five days before the time at

When property has been omitted.

Notice of time and place assessor to appear with roll, to be published.

which said assessor is required to appear, and where practicable personal notice by mail shall be given to said persons prior to said hearing. A copy of said order shall also be served upon the supervisor or assessing officer in whose possession said roll shall be, at least three days before he is required to appear with said roll. The said board or any member thereof shall appear at the time and place mentioned in said order, and the supervisor or assessing officer upon whom said notice shall have been served shall appear also with said assessment roll. The said board or any member thereof, as the case may be, shall then and there hear and determine as to the proper assessment of all property and persons mentioned in said notice, and all persons affected or liable to be affected by the review of said assessments thus provided for may appear and be heard at said hearing. In case said board or the member thereof who shall act in said review, shall determine that the assessments so reviewed are not assessed according to law, he or they shall, in a column provided for that purpose, place opposite said property the true and lawful assessment of the same. As to the property not upon the assessment roll, the said board or member thereof acting in said review, shall place the same upon said assessment roll by proper description, and shall place thereafter, in the proper column, the true cash value of the same. In case of review under the provisions of this section, the said board or the member thereof acting in said review shall certify under his hand officially and spread upon said roll a certificate of the day and date at which said assessment roll was reviewed by him, and the changes by him made therein. For appearing with said roll as required herein the supervisor or assessing officer shall receive the same per diem as is received by him in the preparation of his assessment roll, to be presented to and paid by the proper officers of the municipality of which he is the assessing officer, in the manner as his other compensation is paid. The action of said board or member taken as provided in this act shall be final.

Hearing, how held.

Assessments may be changed.

Property not on roll may be added.

Per diem of assessing officer for appearing.

Action of board final.

SEC. 153. In case it shall appear or be made to appear to said board that any assessment roll in the State is so grossly irregular and unlawfully assessed that adequate compliance with the law cannot be secured except by a general review of said assessment roll, said board may make and issue an order that said assessment roll shall be subject to general review, and the time and place shall be stated in said order, at which said roll shall be reviewed, and under said order the assessor whose assessment or failure to assess is complained against shall be required to appear with his assessment roll at the time and place thus determined, said time to be not less than fourteen days from the issuance of said order, and the place to be at the office of the board of supervisors at the county seat, or such other place in said county in which said roll was made, as said board shall deem most convenient for the hearing herein provided for. A notice of the time and place

General review of assessment roll.

Notice of time and place.

On whom to be served.

Board may change roll, etc.

Board to report property not assessed.

Charge against person and property.
Provido.

Further proviso.

that said assessor is required to appear with said roll, together with a statement that said roll will be subject to general review, and that all persons interested therein may be heard at said time, shall be published in a newspaper published at the county seat of said county, if there be one; if not, in some paper printed in said county, if there be any, at least seven days before the time at which said assessor is required to appear. A copy of the order made as aforesaid shall be served upon the supervisor or assessing officer in whose possession said roll shall be, at least three days before he is required to appear with said roll. The said board or any member thereof shall appear at the time and place mentioned in said order and the supervisor or assessing officer upon whom said notice shall have been served shall appear also with said assessment roll. The said board or any member thereof, as the case may be, shall then and there review said assessment roll and may hear and determine complaints as to the said assessment roll and the assessments of property therein, and he or they shall have power to determine in accordance with law, the amount at which said assessments shall be placed, and to change the same, so that said assessments may comply with the law. Also to place upon said roll property omitted therefrom in the same manner as provided in the last preceding section. The determination of said board or member thereof acting in said review shall place in a column provided for that purpose, and shall proceed in all respects as provided in the last preceding section, and the supervisor or assessing officer shall receive the same compensation as provided in said section.

SEC. 154. If it shall be made to appear to said board at any time after the last meeting of the State Board of Equalization that any property liable to taxation has not been assessed for any previous year as hereinafter provided, the said board shall report the same to the proper assessing officer and the same shall be listed for taxation upon the next assessment roll that shall be made, and shall be valued as all other property. The said board shall further certify to the board of supervisors of the several counties at the October session thereof, next after said property shall be then listed for taxation, the description of said property and the several years that the same has been liable for, and escaped taxation, and said board of supervisors shall ascertain the rate of taxation for said several years and shall order the taxes for said years to be spread against said property upon the valuation for the then current year, and the same shall be so spread in a column provided for that purpose, and it shall constitute a charge against the person and property, and be collected as other taxes: *Provided however*, That this provision shall not be deemed to relate back prior to the going into effect of this section: *And provided further*, That in case of change in ownership of the property omitted

said taxes shall not be spread against said property prior to the last change of ownership.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 155.]

AN ACT limiting the time in which Actions may be brought to recover Damages for Personal Injuries.

The People of the State of Michigan enact:

SECTION 1. That no action shall hereafter be brought in any courts of this State to recover damages for personal injuries unless the same shall be brought within three years from the occurrence upon which the claim for liability is founded. Action to recover damages when brought.

SEC. 2. All acts or parts of acts in anywise contravening any of the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 156.]

AN ACT to amend act number fifty of the Public Acts of eighteen hundred and eighty-seven, as amended by act number one hundred and twenty-four of the Public Acts of eighteen hundred and eighty-nine, and act number two hundred and sixty-nine of the Public Acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation and regulation of certain Corporations generally known as Building and Loan Associations," by adding one new section thereto, to be known as section thirty-four.

The People of the State of Michigan enact:

SECTION 1. That act number fifty of the public acts of eighteen hundred and eighty-seven, as amended by act number one hundred and twenty-four of the public acts of eighteen hundred and eighty-nine, and by act number two hundred and sixty-nine, of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations," be and the same is hereby amended by Act amended.

adding thereto a new section to be known as section thirty-four, to read as follows:

Salary of chief of division.

SEC. 34. The chief of the building and loan division of the Department of State shall receive an annual salary of fifteen hundred dollars, payable monthly.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 157.]

AN ACT to provide for the continuance of the recompilation and copying of the records in the office of the Adjutant General pertaining to the Enlistment, Muster, History and final disposition of the Soldiers and Sailors from this State during the War of the Rebellion, and for the Publication of a "Roster of Michigan Soldiers from eighteen hundred sixty-one to eighteen hundred sixty-six, inclusive," and to make appropriation therefor.

The People of the State of Michigan enact:

Adjutant General to provide books and compile history of soldiers.

SECTION 1. That the Adjutant General is hereby authorized and directed to provide suitable books and to recompile and copy from papers now on file in his office, and from such other official papers as he may obtain, the military or naval history of each and every soldier or sailor who enlisted from or was credited to this State during the war of the rebellion. Such history shall show, as far as may be possible, the name, age, date of enlistment, military or naval history and final disposition of each such soldier or sailor.

Appropriation.

SEC. 2. The sum of three thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State Treasury to the credit of the general fund not otherwise appropriated, for the purposes mentioned in this act.

To be incorporated in State tax.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-nine the sum of three thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section two of this act.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 158.]

AN ACT to provide for the erection of two Detached Buildings for Patients, for the purchase of Furniture and Furnishings for the same, for enlargement of the Bakery and for additional Water Supply, at the Eastern Michigan Asylum, and making Appropriations for the same.

The People of the State of Michigan enact:

SECTION 1. That there be, and there is hereby appropriated Appropriation. out of the State Treasury for the erection of two detached buildings for patients on the grounds of the Eastern Michigan Asylum, one to be designed for one hundred men and the other for one hundred women patients, the one for women to contain quarters for a woman physician, the sum of sixty-eight thousand dollars. For furniture and furnishings for said buildings, the sum of five thousand dollars. For enlargement of the bakery, the sum of two thousand dollars, and for additional water supply, the sum of two thousand dollars. How used.

SEC. 2. The money appropriated by this act, namely, How drawn. seventy-seven thousand dollars, may be drawn from the State Treasury upon the warrant of the Auditor General in such sums and at such times as shall be made to appear to him necessary. The money thus appropriated shall be expended only for the purposes specified in this act.

SEC. 3. The Auditor General shall add to and incorporate To be incorporated in State tax. with the State tax for the year eighteen hundred and ninety-nine the sum of seventy-seven thousand dollars, to be assessed, levied and collected, as other State taxes are assessed, levied and collected, which sum when collected, shall be placed to the credit of the general fund to reimburse it for the moneys appropriated by this act.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 159.]

AN ACT making appropriations for the Upper Peninsula Prison at Marquette for Building and other Special Purposes for the fiscal year ending June thirty, nineteen hundred, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and hereby is appropriated for Appropriation. the Upper Peninsula Prison at Marquette the sum of sixteen thousand nine hundred eighty-nine dollars for the fiscal year

How used. ending June thirty, nineteen hundred, by amounts and purposes as follows: Twelve thousand dollars for constructing and completing eight solitary cells and hospital; five hundred dollars for new armature and commutator for dynamo and re-wiring cells; four hundred eighty-nine dollars for placing boilers; six hundred dollars for new engine in laundry and laundry machinery and fixtures; four hundred dollars for new hog pens; one thousand dollars for new coal shed and two thousand dollars for general repairs.

How paid. SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the warden of the Upper Peninsula Prison at Marquette, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax. SEC. 3. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of sixteen thousand nine hundred eighty-nine dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 160.]

AN ACT to enable any Volunteer who served in the Thirty-Third and Thirty-Fourth Regiments of Michigan Volunteers during the past year, and who have been charged with the price of an overcoat in the final settlement of his clothing account with the Government, to collect from the State of Michigan the amount which such volunteer was charged for such overcoat, in all cases where such overcoat was turned over to the Quartermaster Department of the State of Michigan, and never returned to such volunteer.

The People of the State of Michigan enact:

Volunteers to be reimbursed for overcoats. SECTION 1. It shall be the duty of the Board of State Auditors to audit and allow to each volunteer serving in the Thirty-Third and Thirty-Fourth Regiments of Michigan Volunteers during the past year whatever sum such volunteer was charged with in his final settlement of clothing account with the United States Government, for an overcoat, upon such volunteer proving to such Board of Auditors that such overcoat was turned over to the Quartermaster's Department of Michigan, and that such overcoat has never been returned to such volunteer, and to furnish to such volunteer a warrant upon the Treasurer of the State of Michigan for that amount.

Proof required.

SEC. 2. It shall be the duty of the Treasurer of the State of Michigan to pay all such warrants so drawn, upon the presentation thereof, from any moneys in his hands not otherwise appropriated. Treasurer to pay warrants.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 161.]

AN ACT to Provide for the Payment of Salaries to Certain Employes in the Department of the Attorney General and the Auditor General of the State.

The People of the State of Michigan enact:

SECTION 1. That from and after the first day of May, eighteen hundred ninety-nine, there shall be employed in the office of the Attorney General, a chief law clerk at a salary not exceeding fifteen hundred dollars per annum, and in the office of the Auditor General, a chief clerk at a salary not exceeding fifteen hundred dollars per annum, and an assistant chief clerk at a salary not exceeding fourteen hundred dollars per annum, to be paid from the general fund on the warrant of the Auditor General in the same manner that salaries are now paid State officers. Compensation of certain employes.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 162.]

AN ACT making Appropriations for the Michigan School for the Blind for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to Provide for a Tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the current expenses of the Michigan School for the Blind for the six months ending June thirty, eighteen hundred ninety-nine, the sum of fourteen thousand fifty-seven dollars and fifty cents; for the fiscal year ending June thirty, nineteen hundred, the sum of twenty-eight thousand one hundred fifteen dollars, Appropriation.

and for the fiscal year ending June thirty, nineteen hundred and one, the sum of twenty-eight thousand one hundred fifteen dollars.

Further appropriation.

SEC. 2. The further sum of six thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, for the purpose of building and completing and furnishing one detached cottage, for hospital purposes including plumbing and heating.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Michigan School for the Blind, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine, the sum of forty-one thousand one hundred forty-three dollars and seventy-five cents; for the year nineteen hundred, the sum of twenty-eight thousand one hundred fifteen dollars, and for the year nineteen hundred and one, the sum of seven thousand twenty-eight dollars and seventy-five cents.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 163.]

AN ACT Making Appropriations for the State Public School for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to Provide for a Tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. There is hereby appropriated for the current expenses of the State Public School for the six months ending June thirty, eighteen hundred ninety-nine, the sum of fifteen thousand five hundred dollars; for the fiscal year ending June thirty, nineteen hundred, the sum of thirty-one thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of thirty-one thousand dollars.

Further appropriation.

SEC. 2. The further sum of fifteen thousand seven hundred sixty-six dollars is hereby appropriated by amounts and purposes as follows: Thirteen thousand dollars for new heating plant, and twenty-seven hundred sixty-six dollars for improvements and repairs upon buildings and grounds.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Public School at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of fifty-five thousand sixteen dollars; for the year nineteen hundred, the sum of thirty-one thousand dollars, and for the year nineteen hundred and one, the sum of seven thousand two hundred fifty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated. To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 164.]

AN ACT making appropriations for the State Industrial Home for Girls for the six months ending June thirty, eighteen hundred ninety-nine, and the fiscal years ending June thirty, nineteen hundred and June thirty, nineteen hundred and one, and to Provide for a Tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the current expenses of the State Industrial Home for Girls for the six months ending June thirty, eighteen hundred ninety-nine, the sum of twenty-two thousand eight hundred twenty-three dollars and fifty cents; for the fiscal year ending June thirty, nineteen hundred, the sum of forty-four thousand three hundred fifty-three dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of forty-five thousand six hundred forty-seven dollars. Appropriation.

SEC. 2. The further sum of four thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Fifteen hundred dollars for painting and repairing brick work, seven buildings; five hundred dollars for repairing floors in cottages; two thousand dollars for connecting administration and hospital buildings with central steam plant, and for heating apparatus in same. Further appropriation.

SEC. 3. The further sum of five hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred, and a further sum of two hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen Idem.

hundred one, for the purchase of library books. The money so appropriated to be expended under the supervision of the State Board of Library Commissioners.

How paid.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Industrial Home for Girls at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be
incorporated
in State tax.

SEC. 5. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of fifty-nine thousand seven hundred fifty-four dollars and seventy-five cents, for the year nineteen hundred the sum of forty-five thousand six hundred forty-seven dollars, and for the year nineteen hundred and one the sum of twelve thousand one hundred twenty-one dollars and seventy-five cents, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 165.]

AN ACT Providing for an Appropriation for the completion of one Cottage, for additional buildings and equipment, for Cattle, Horses, Trees, extension of Sewer and Cement walks for the Upper Peninsula Hospital for Insane at Newberry, for the fiscal year ending June thirty, nineteen hundred, and to Provide for a Tax to meet the same.

The People of the State of Michigan enact:

Appropriation. SECTION 1. That there be and hereby is appropriated for the Upper Peninsula Hospital for the Insane, Newberry, the sum of sixty-two thousand nine hundred and ten dollars for the fiscal year ending June thirty, nineteen hundred, by

How expended. amounts and purposes as follows: Fourteen thousand dollars to complete one cottage, deficit for eighteen hundred ninety-five; twenty-one thousand dollars for one cottage complete; two thousand two hundred dollars for two cloister connections; three thousand five hundred dollars for addition to power house; five thousand dollars for water purposes; one thousand dollars for cow barn; two thousand dollars for furnishing one cottage; one thousand two hundred sixty dollars for one elevator; five thousand dollars for electric light plant; two thousand dollars for pumps and connections; four hundred dollars for storm windows; one thousand dollars for removable frames and glass for cloisters; one thousand dollars for fire

escapes; seven hundred fifty dollars for the purchase of cattle; eight hundred dollars for extension of sewers; eight hundred dollars for root house; one thousand two hundred dollars for additional laundry machinery.

SEC. 2. In case of a deficiency in any of the items specified in section one of this act, and a surplus in any of the other items, the board of trustees, with the consent of the Governor and the Board of State Auditors given in writing, may apply such surplus upon such deficiency.

Provisions in case of deficiency or surplus.

SEC. 3. The said board of trustees may employ a competent person to superintend the erection and construction of the buildings provided in this act, who shall receive a reasonable compensation for his services to be fixed by said board of trustees and approved by the Governor, which compensation shall be paid by said board of trustees of the asylum out of the funds appropriated by this act.

Board of trustees to employ superintendent.

Compensation.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Upper Peninsula Hospital for the Insane, Newberry, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Appropriation, how paid.

SEC. 5. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine, the sum of sixty-two thousand nine hundred ten dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

Auditor General to incorporate in State tax.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 166.]

AN ACT for the Incorporation of Charitable Societies.

The People of the State of Michigan enact:

SECTION 1. That any three or more persons who may desire to become incorporated for any charitable purpose, may execute under their hands, and acknowledge before some other person within this State authorized to take the acknowledgments of deeds, one or more duplicate articles of agreement, as herein-after specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office of the county in this State in which the office of such association for the transaction of business may be located, and upon the execution and acknowledgment of such articles,

Number who may incorporate and execute articles of agreement.

Articles, where filed.

Body politic.	the signers thereof and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose set forth in said articles.
Articles, what to contain.	SEC. 2. The articles of association shall contain: First, The names of the persons associating in the first instance and their places of residence; Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years; Third, The objects for which it is organized, which shall be stated with convenient certainty, and expressly; Fourth, The number of its trustees and regular officers, and the time and place of holding its annual meeting; Fifth, The terms and conditions of membership therein.
Number of trustees.	SEC. 3. The affairs of each corporation shall be under the general management of not less than five nor more than forty trustees, to be chosen by the members thereof, and to hold office for such time, not exceeding four years, as shall be provided by the articles of association; and the articles of association may provide for a classification of the trustees so that the terms of office of the several classes shall expire at different times. The regular officers of such corporation, except the secretary and treasurer, shall form a part of said trustees.
Officers, how elected.	The officers may be chosen by the trustees or by the members of the corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by the trustees, who may change them at pleasure. A majority of the trustees shall be a quorum to transact business. The articles of association may provide for the delegation, by the trustees, of their powers, by the by-laws, to a committee or committees of their own body.
What articles may provide.	The articles of association of any such corporation may be amended at any time by resolution passed by vote of two-thirds of the trustees. Before any such amendment shall take effect a copy of the resolution, certified by the secretary, shall be filed in the office of the Secretary of State and in the clerk's office of the county or counties in which the original articles are filed.
Articles, how amended.	SEC. 4. No such corporation shall have power to take or hold any real estate, except such as may be necessary for any hospital or asylum, under its control or for the transaction of its business, for a longer term than ten years.
How may hold real estate.	SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, for the exclusive purposes set forth in the articles of association, and no portion of the funds of such corporations shall be used or contributed towards the erection, completion or furnishing of any building not owned or used by such corporation for the exclusive purpose or purposes set forth in its articles of association. Such corporation may take by gift, purchase or devise, property to an amount not exceeding two hundred thousand dollars, and it shall be lawful to invest the same
Funds received how used.	

upon mortgage, or by loan on bonds, of any city, county, state or United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act. Proviso.

SEC. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt in the name of the people of the State of Michigan; and any corporation formed under this act for any charitable purpose shall, in the month of January in each year, make a full report in duplicate of all its affairs under the oath, certified to by the person administering the same, of at least two of its trustees, which report shall contain: Reports, when and to whom made.

First, The name of such corporation, and the place where its office for the transaction of business is located, and when the period for which it is incorporated expires; What to contain.

Second, The names of the persons associated in such corporation, with their place of residence;

Third, The objects for which such corporation is organized, stated with convenient certainty and in perspicuous and express terms;

Fourth, The number and names of its trustees and officers, and the time of holding its annual meeting;

Fifth, The number of acres, description and value of real estate actually and exclusively improved and used for the purposes set forth in its articles of association;

Sixth, The amount of funds belonging to said corporation, and whether the same be invested upon mortgage or otherwise, or not invested, and if invested, then how and where invested; and such corporation shall file, or cause to be filed, one copy of such report, when made, in the office of Secretary of State, and one copy thereof in the clerk's office of the county, in this State, in which the office of said association for the transaction of business may be located, and for neglect to furnish such report and files, all of the trustees so neglecting shall, for the first offense, be liable to a penalty of fifty dollars each, to be recovered by an action of debt in the name of the people of the State of Michigan, and for the second offense, by neglect to make such report and files, said corporation shall forfeit all the rights, powers and privileges it possesses under and by virtue of its articles of incorporation, and the term for which it was incorporated shall be deemed to have expired;

Seventh, Such other matters as the State Board of Corrections and Charities may require.

Trustees may
arrange for the
adoption of
children.

SEC. 7. And it shall be lawful for a majority of the trustees of any asylum or institutions whose business in whole or in part shall be the care of children, incorporated under this act to arrange for the adoption of children in their care, by suitable persons residing in this State. Such adoption and the declaration and agreement therefor, and all of the proceedings therein, and the order approving the same, shall be in accordance with the laws of this State providing for the adoption of children.

Provisions not
to conflict with
certain acts.

SEC. 8. Nothing in this act shall contravene or make void the provisions of the act, approved April seventeen eighteen hundred ninety-nine, entitled "An act to provide for records to be kept, and reports to be made by, and for the State supervision of societies, associations and organizations incorporated, or which may hereafter be incorporated, under the laws of this State, the whole or part of the business of which is to receive and maintain minor children in institutions, or place minor children in homes on indenture, by adoption or otherwise, and to provide for certain expenses in connection with such records, reports and State supervision.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 167.]

AN ACT in relation to the Powers and Duties of the Dairy and Food Commissioner of the State of Michigan.

The People of the State of Michigan enact:

Unlawful to
obstruct
inspectors in
their duty.

SECTION 1. That any person who shall obstruct the Dairy and Food Commissioner, or his deputy, or any of his duly appointed inspectors, by refusing to allow him entrance to any place where he is authorized to enter in the discharge of his official duty, or refuses to deliver to him a sufficient sample for the analysis of any article of food or drink sold, offered or exposed for sale, or in his possession for the purpose of sale, wherever the same may be found, when the same is requested and when the value thereof is tendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than ten days or more than ninety days, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Penalty for
violation.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 168.]

AN ACT to amend sections two, twelve, seventeen, twenty-two and twenty-three of chapter ninety-seven of the Revised Statutes of eighteen hundred forty-six, entitled "Of the commencement of suits; of process, and the service and return of original writs," being sections seven thousand two hundred ninety-one, seven thousand three hundred one, seven thousand three hundred six, seven thousand three hundred eleven and seven thousand three hundred twelve of Howell's Annotated Statutes, and sections nine thousand nine hundred eighty-five, nine thousand nine hundred ninety-five, ten thousand, ten thousand five and ten thousand six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections two, twelve, seventeen, twenty-two and twenty-three of chapter ninety-seven of the Revised Statutes of eighteen hundred forty-six, entitled "Of the commencement of suits, of process, and the service and return of original writs," being sections seven thousand two hundred ninety-one, seven thousand three hundred one, seven thousand three hundred six, seven thousand three hundred eleven and seven thousand three hundred twelve of Howell's Annotated Statutes, and sections nine thousand nine hundred eighty-five, nine thousand nine hundred ninety-five, ten thousand, ten thousand five and ten thousand six of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 2. Actions brought for the recovery of any debt, or for damages only, may be commenced either:

Actions for debt or damages, how commenced.

1. By original writ; or,

2. By filing in the office of one of the clerks of the court a declaration, entering a rule in the minutes kept by such clerk, requiring the defendant to plead to such declaration within fifteen days after service of a copy thereof and notice of such rule, and serving a copy of such declaration, and notice of such rule personally on the defendant; which mode of commencing an action may be adopted against any person, whether privileged from arrest or not.

SEC. 12. Writs of *capias ad respondendum* shall be served by the sheriff, or other officer, by arresting the body of the defendant, and keeping him in his custody until discharged according to law, and serving a copy of the writ and of the affidavit or affidavits upon which said writ is founded upon said defendant.

Writs of *capias* how served.

SEC. 17. Every defendant arrested upon a *capias ad respondendum* shall be entitled to be discharged from such arrest upon executing to the officer making the same, with the addition of his name of office, a bond, in a penalty equal to the

Defendant to be discharged from arrest on executing bond.

amount specified in the order for bail, or in double the amount specified in the affidavit attached to the writ, as the case may be, with two sufficient sureties, conditioned that such defendant will appear in the action commenced by such writ, by putting in special bail within fifteen days after service of said writ upon him, and by perfecting such bail, if required, according to the rules and practice of the court.

When plaintiff
to make
declaration.

SEC. 22. Upon such return being made, the sheriff shall at once notify the plaintiff or his attorney, and the plaintiff shall declare against the defendant within fifteen days after the service of such notice, and shall deliver a copy of such declaration to such prisoner, or to the sheriff or keeper of the jail in whose custody such prisoner shall be; and if such declaration shall not be served as herein prescribed, the defendant shall be discharged from his imprisonment, and shall be entitled to judgment of discontinuance against said plaintiff.

Idem.

SEC. 23. When a defendant shall have appeared in any cause, by causing his appearance to be entered, or by putting in and perfecting special bail, if required, where such bail is required, the plaintiff shall declare against such defendant, within fifteen days after the issue of said writ.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 169.]

AN ACT to amend act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in any wise contravening any of the provisions of this act," by adding two sections to be known as sections one hundred and thirty-eight and one hundred and thirty-nine of said act.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the

lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended by adding thereto two sections to be known as sections one hundred and thirty-eight and one hundred and thirty-nine of said act as follows:

SEC. 138. All lands which have been returned to the Auditor General as delinquent for taxes under the provisions of any general tax law in force prior to the passage of act two hundred of the public acts of eighteen hundred and ninety-one, and upon which the taxes are now or shall hereafter remain unpaid and which have not been sold for such taxes, and all lands so returned which have been heretofore sold for such delinquent taxes, and upon which the sale or sales so made shall have been or may hereafter be set aside by any court of competent jurisdiction, or shall have been or may hereafter be canceled, as provided by law, shall be subject to disposition, sale and redemption for the enforcement and collection of such tax liens in the method and manner provided in this act for the disposition, sale and redemption of lands made subject to the provisions of this act by section sixty thereof: *Provided*, That nothing in this section contained shall be held to provide for the sale of any lands heretofore sold, if the sale thereof shall have been set aside or canceled for any reason affecting the validity of the taxes for which the land was sold: *Provided further*, That the court may in its discretion, where equity appears to so demand, enter decree of sale for the taxes for any year prior to eighteen hundred ninety-one, for the amount of the taxes found valid, without including the charge for interest thereon as provided by law: *And provided further*, That if tender of the amount assessed against any land for taxes of eighteen hundred ninety, or any prior year is made to the Auditor General, together with the collection fee and the charge for expenses as provided by law, at any time before the first day of the month preceding the month in which sale is ordered to be made, he shall issue receipt therefor, and cancel any State bid under which said land is held for said year, and in such case the State, county and township shall bear the loss of accrued interest in proportion to their several interests therein.

Provisions for the sale of certain delinquent tax lands.

Proviso.

Further proviso.

Further proviso as to the tender of amount assessed.

SEC. 139. The Auditor General may cause an examination to be made of the proceedings under which any lands bid to the State, and which have not been deeded by the Auditor General, were sold for delinquent taxes and bid to the State under the provisions of any general tax law, and if he shall find that such sales or the decrees under and by virtue of which such sales were made were in contravention of any provision of the laws in force at the time such decrees were en-

Auditor General may cause examinations to be made of proceedings.

tered or sales made, he may cancel such sales and proceed at any time to enforce the collection of such taxes under and in accordance with the provisions of this act, as in the case of lands returned or sold thereunder.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 170.]

AN ACT making appropriations for the State Board of Fish Commissioners for the fiscal years ending June thirty, nineteen hundred, and June thirty, nineteen hundred and one, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation. SECTION 1. That there be and hereby is appropriated for the current expenses of the State Board of Fish Commissioners for the fiscal year ending June thirty, nineteen hundred, the sum of twenty-five thousand dollars, and for the fiscal year ending June thirty, nineteen hundred and one, the sum of twenty-five thousand dollars.

How paid. SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the State Board of Fish Commissioners at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder: *Provided*, That no part of this appropriation shall be expended in cultivating and propagating what is known as commercial fish in the great lakes.

Proviso. SEC. 3. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of twenty-five thousand dollars, and for the year nineteen hundred the sum of twenty-five thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 171.]

AN ACT to set aside the submerged and swamp lands in the State of Michigan bordering upon the Great Lakes and the bayous thereof for a public park, defining the limits thereof and providing for its care and management.

The People of the State of Michigan enact:

SECTION 1. That all of the swamp or submerged lands lying along the borders of Lakes Erie, Huron, Michigan, Superior and St. Clair, except such parts of the "St. Clair Flats," so called, as shall have been, prior to January first, eighteen hundred ninety-nine, actually occupied, built up, cultivated or improved to the extent of at least twenty-five dollars, within the boundaries of the State of Michigan, and within the limits hereinafter described, and also all swamp or submerged lands adjoining said lakes, or in the bayous adjoining or emptying into said lakes, which now belongs to the State of Michigan, or to which the State of Michigan shall hereafter acquire title, shall be and hereby is set apart and dedicated for a public shooting and hunting ground, for the benefit and enjoyment of the people of the State of Michigan. This park so set aside shall extend to the State line into the respective lakes from the shore line thereof, and the outer boundary thereof shall be the center line of said lakes or the boundary of said State, and shall include all swamp or submerged lands lying between said shore line and outer boundary: *Provided*, That no premises here described shall be deemed to include any islands in any of the said lakes to which the State of Michigan has not title, unless the State shall first acquire such title. Said park shall also include the swamp or submerged lands owned by the State aforesaid or hereafter acquired by the State, bordering upon said lakes or in or upon the bayous emptying therein.

Certain submerged or swamp lands dedicated as hunting ground.

Where to extend.

Proviso.

SEC. 2. Should the State of Michigan hereafter acquire title to any swamp or submerged lands within the limits aforesaid or bordering upon said lakes, or in or upon any bayou emptying into the same, whether by purchase, escheat, forfeiture, tax bid or tax title, the same shall be, by operation of this act included in said park and shall not thereafter be offered for sale by the State.

Provisions relative to any swamp or submerged lands hereafter acquired.

SEC. 3. This reservation and dedication shall not interfere with or detract from any rights or privileges of fishing now enjoyed by private persons or the public, but the said park shall be subject to the fish and game laws of this State in the same manner as though there had been no dedication. The waters in this park shall be free for all purposes of navigation. This act shall not be deemed to interfere with the common law right of riparian owners to dockage and wharfage, nor to interfere in any manner with dock or harbor lines or regulations of any municipality or of the State.

(Grounds subject to fish and game laws.

SEC. 4. All persons who now have or shall hereafter locate upon any part of the park here set aside, or who shall occupy the same, except as herein provided, shall be deemed trespassers against the State of Michigan, and an action may be brought against such persons in the name of the people of the State of Michigan by the prosecuting attorney or the

Who deemed trespassers.

board of supervisors of any county in which such trespass occurs, or by either the Auditor General of the State of Michigan or the Commissioner of the State Land Office; and no statute of limitations shall be deemed operative against the State so as to bar any suit or proceeding brought by or on behalf of the State regarding the possession of such swamp or submerged lands.

Board of supervisors to have control.

SEC. 5. The board of supervisors of each county shall have the care and control of that part of said park within its own boundaries and that part lying opposite and immediately adjoining in the Great Lakes. The respective boards of supervisors, in their discretion, may allow the cutting or the destruction of the rushes and submarine vegetation growing in said park in or opposite their respective counties.

Unlawful to destroy rushes, etc., without consent.

SEC. 6. It shall be unlawful for any person to cut or otherwise destroy, or cause the same to be done, any rushes or other submarine vegetation growing on this park without the consent of the board of supervisors of the county to which such portion of said park is immediately adjoining; and any person or persons who shall wilfully cut or destroy the same, or cause the same to be done, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment, at the discretion of the court.

Penalty.

Unlawful to drive ducks away from person hunting.

SEC. 7. It shall be unlawful for any person or persons to wilfully scare or drive wild ducks or other wild water fowl, or cause the same to be done, from or away from any person lawfully hunting the same within said park, for the purpose of depriving or attempting to deprive such person of any or all of his opportunities of shooting or hunting such wild duck or other wild water fowl; and every person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment, at the discretion of the court. Nothing herein contained shall be deemed to detract from the right of passage over said waters, in good faith, or in the ordinary course of navigation.

Penalty.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 172.]

AN ACT to provide for a Commission to negotiate with all Railroad Companies, having special charters, to ascertain and report upon what terms such railroad companies will surrender their respective charters to the State and re-incorporate under the general railroad laws of the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. That the following three officials, the Commissioner of Railroads, the State Treasurer, and the Secretary of State, be and the same are hereby created, constituted and appointed a commission to negotiate with such railroad companies as are incorporated under special charters to ascertain upon what terms such railroad companies will surrender their respective charters and re-incorporate under the general railroad laws of the State of Michigan, also to ascertain, as nearly as such commission is able to estimate and determine the same, the amount of damages each and all of such railroad companies will be entitled to in the event of the repeal of such special charters; and that said commission shall, on or before the first day of November, in the year of our Lord eighteen hundred and ninety-nine, make a full report of all its proceedings, by virtue of the authority hereby vested in it, to the Governor, with such matters of information and recommendation in regard to the question of such surrender of said charters and re-incorporation, as such commission may deem important and to the best interests of the State. And the Governor of the State shall submit such report to the Legislature of nineteen hundred and one, or to a special session of the present Legislature if he chooses to call one, together with his recommendations thereon.

Commission to negotiate with railroads.

To report to Governor.

Governor to submit report to legislature.

SEC. 2. The commission hereby created shall have authority to inquire into business affairs of all railroads affected by the provisions of this act, and for the purposes of this act the commission shall have the power to require, by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, contracts and agreements and documents relating to any matter under investigation. Such attendance of witnesses and production of such documentary evidence may be required from any place and at any designated place of hearing, and in case of disobedience of the subpoena the commission, or any party to a proceeding before the commission, may invoke the aid of any court in requiring the attendance and testimony of witnesses and the production of books, papers and documents; and any circuit court of the State of Michigan within the jurisdiction of which such inquiry is carried on may, in contumacy or refusal to obey a subpoena issued to any railroad subject to the provisions of

Powers and authority of commission.

this act, or any other person, issue an order requiring such railroad or other person to appear before such commission and to produce such books and papers, if so ordered, and give evidence touching the matter in interest, and failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate persons giving such evidence shall not excuse such person from testifying. But such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. Upon request of the commission it shall be the duty of the Attorney General of the State of Michigan to institute in a proper court and to prosecute all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof, and the cost and expense of such prosecutions shall be paid out of the general fund.

May require
Attorney
General to
prosecute.

This act is ordered to take immediate effect:

Approved June 23, 1899.

[No. 173.]

AN ACT to amend sections twenty-three and twenty-nine of act number one hundred thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the Laws Organizing Asylums for the Insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four, laws of eighteen hundred and fifty-nine, also act one hundred ninety-four, laws of eighteen hundred and seventy-seven, also act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto, also act one hundred seventy-two, laws of eighteen hundred and seventy-three," approved June three, eighteen hundred and eighty-five, being sections nineteen hundred fifteen and nineteen hundred twenty-two of the Compiled Laws of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections twenty-three and twenty-nine of act number one hundred thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four, laws of eighteen hundred and fifty-nine, also act one hundred ninety-four, laws of eighteen hundred and seventy-seven, and also act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto, also act

one hundred seventy-two, laws of eighteen hundred and seventy-three," being sections nineteen hundred fifteen and nineteen hundred twenty-two of the compiled laws of eighteen hundred and ninety-seven, be and the same are hereby amended so as to read as follows:

SEC. 23. When a person, not a pauper, becomes insane, and no application be made to admit such person to the asylum for the insane as a private patient, application may be made in his behalf by any person conversant with the circumstances to the judge of probate of the county where said insane person shall be at the time such application is made, and said judge of probate shall immediately notify such alleged insane person of such application and of the time and place of hearing to be held thereon, and shall also summon to appear before him at the same time the following persons, if known: The guardian, if such alleged insane person have a guardian, also such relatives as are legally liable for the support of such person; which summons may be served in any county of the State, and shall also notify any person having alleged insane person in charge or custody, and shall also call two legally qualified physicians, and, in his discretion, other credible witnesses, and also immediately notify the prosecuting attorney of the county and the supervisor of the township, or the supervisor or alderman of the ward in which said insane person resides, if his residence is in said application claimed to be in the said county, of the time and place of such hearing, and upon receiving such notice such officers shall attend said examination and act in behalf of said county, and said judge of probate may appoint a guardian ad litem to represent such insane person upon said hearing, and said judge of probate shall fully investigate the facts in the case and may summon a jury at his discretion. He shall summon a jury whenever requested by such alleged insane person, or by any relative legally liable for his support, or by the prosecuting attorney of the county, such jury to consist of six residents of the county and shall be selected and summoned 'in the same manner as juries are selected and summoned in justices' courts, and either with or without the verdict of the jury, as the case may be, shall determine the question of insanity and also the question of indigence, but this decision as to indigence shall not be conclusive; and if the judge of probate, after such hearing, shall certify that such person is adjudged to be insane and his estate insufficient to support himself and his family, or if he has no family, himself, under the visitation of insanity, or if it shall appear that his estate is sufficient but no person will execute the required bond or perform the required regulations to have such person admitted as a private patient, on his certificate under seal of the probate court of said county, such person shall be admitted into the asylum and supported therein at the expense of the county to which he belongs until he shall be restored to sound-

Application to
send insane to
asylum.

Judge of probate to notify
insane person
and guardian.

To call two
physicians.

May appoint
guardian ad
litem.

To summon
jury on
request.

Person to be
admitted to
asylum.

To be supported
at expense of
his county.

When to be supported at expense of State.

Probate judge to determine liability of relatives.

May order relatives to pay.

To furnish copy of order to county treasurer.

Provision for compelling payment.

Provisions for vacating or modifying order.

Probate judge may compel attendance of witnesses.

ness of mind, if effected within two years, or until otherwise ordered; or at the expense of the State, if the judge of probate shall find that such insane person has no legal settlement in any county in this State or is unable to find from the evidence where that settlement is. If it shall appear on said hearing to said judge of probate that such insane person is indigent and that he has relatives legally liable for his support, said judge of probate shall also at the said hearing, or at some adjourned day thereof, investigate fully as to the financial ability of such relatives of said insane person as are legally liable for his support. If said judge of probate shall be satisfied on such hearing that said insane person is indigent and has relatives legally liable for his support who are able to contribute to the support of such insane person, he may make an order requiring the payment by such relatives of such sum or sums as said probate judge may find they are reasonably able to pay, not exceeding however, in all, the sum of two hundred dollars per year. Said order shall require the payment of such sums to the county treasurer of such county and may require such payment to be made annually, semi-annually or quarterly, as the said judge may direct. Said probate judge shall furnish the said county treasurer of said county a copy of such order and it shall be the duty of the county treasurer to collect the sums therein named, to turn the same into the county treasury so long as such patient is a county charge, and when such patient becomes a State charge, to pay over the moneys so collected by him quarterly to the State Treasurer. If such relatives so ordered to pay shall neglect or refuse so to do, the county treasurer shall notify the superintendents of the poor of said county, and also shall notify the prosecuting attorney of the county of such neglect or refusal and said prosecuting attorney shall proceed by action to be brought in the name of the county to collect such sum. If any person so ordered to contribute to the support of such insane person shall at any time become unable to pay the sum so ordered such person may make application to the judge of probate by petition setting forth the facts; said judge shall hear the evidence thereon; upon the filing of such petition the court shall appoint a day of hearing thereon and notice of such hearing shall be served on the prosecuting attorney of the county and supervisor of the township or ward in which such insane person resides, which said notice shall be served not less than six days before the day of hearing, and if satisfied that such person is no longer able to contribute such sum, may vacate or modify said order. The judge of probate in any proceeding provided therein may request the presence of the prosecuting attorney, and upon receiving such request, it shall be the duty of the prosecuting attorney to appear in behalf of the county and shall also have power to compel the attendance of witnesses and jurors and shall file the certificates of the physicians taken under oath, and other papers

in his office, and enter the proper orders in the journal of the probate court in his office, and he may appoint a proper person or persons to take such insane person to the asylum, who shall receive as pay for such services the sum of three dollars per day, together with his necessary expenses, to be paid upon the certificate of the judge of probate under the seal of the probate court by the county treasurer of such county upon presentation to him, and out of the general fund of such county or any other fund available for that purpose.

Provisions for conveying insane person to asylum.

Whenever any person is committed to the asylum on the order of the judge of probate under the provisions of this section and it shall appear to said judge of probate on the hearing thereon that such insane person has an estate, or if he has any income, annuity or pension which is not sufficient to support him and his family, if he have one, under the visitation of insanity and yet is sufficient to admit of the payment of something thereto, and if it further appears to said judge of probate that such person has no family, or that he has a family whose support and maintenance does not require the whole of such estate, income, annuity or pension, or if it shall appear to such judge that such person has an estate sufficient to support himself, or if he have a family, himself and family, under the visitation of insanity, but no person appears to execute the requisite bond or perform the requisite regulations to have such person admitted to the asylum as a private patient, then the said judge of probate may on the first or on some subsequent day of hearing had before him wherein the parties interested have been duly cited to appear, as hereinbefore provided or duly cited otherwise, make an order requiring the estate of such insane person or the guardian or other person having control of such estate, income, annuity or pension, to pay the same or such part thereof as said judge of probate shall determine to the county treasurer of such county to be by said treasurer turned into the county treasury while such insane person is a county charge, and into the State Treasury when such insane person becomes a State charge, as hereinbefore provided. If such guardian shall neglect or refuse to pay over said money to the county treasurer as provided in said order, the said judge of probate shall cite such guardian to appear before him at such time as he may direct to render an account of all moneys or other property in his hands as such guardian, and on his failure to appear or render such account, the said judge of probate may remove such guardian and appoint some other suitable person in his place. The said judge of probate shall thereupon refer the matter to the prosecuting attorney of said county, who shall enforce payment of the sums provided in said order by a proper action, in the name of the county. If it shall be made to appear to the judge of probate at any time subsequent to the commitment of any insane person to any of the asylums for the insane in this State as an indigent pa-

Provisions for payment of part of expenses in asylum.

Provisions for compelling guardian to pay over money.

tient, that such person has since such commitment become possessed of property, or estate or of an income, annuity or pension which ought in whole or in part to be used towards his support, and that the same is not wholly required towards the support and maintenance of the family of such insane person, the judge of probate shall inquire into the matter and make an order requiring the estate of such insane person or his guardian or other person having control of such estate, income, annuity or pension to pay so much or such part thereof as may appear to be proper towards reimbursing the county or the State for the past support of such person, and such part thereof towards his future support as may to him appear to be just and equitable, and before making such order such judge of probate shall cause notice, of such hearing to be served on the prosecuting attorney of the county, supervisor of the township or ward in which such insane person resided at the time of his commitment, and to the guardian and relatives of such insane person not less than six days before the day of hearing. The said judge of probate, pending any proceedings taken to commit any insane person to any asylum in this State, may, if it shall appear upon the certificate of two physicians to be necessary and essential so to do, commit such person into the custody of the superintendents of the poor of said county, the sheriff of his county, or to the asylum of the district in which such insane person resides, to be detained until such application can be heard and determined: *Provided however*, That the period of such detention shall not exceed in all fourteen days, and all the expenses thereof shall be paid by the county treasurer upon the certificate of the judge of probate under the seal of the probate court out of the general fund of said county, or any other fund available for that purpose. If the probate judge shall at any such hearing find that the person is insane but is not in indigent circumstances, he may make an order admitting such insane person to any asylum in this State, public or private, as a private patient, if the requisite conditions therefor are complied with. If the probate judge shall find such insane person a State charge, as hereinbefore provided, he shall certify his findings upon the question of settlement to the Secretary of the State and to the medical superintendent of the asylum to which said insane person has been sent, and the State shall become responsible for the maintaining of said insane person. The judge of probate shall report the result of his proceedings to the supervisors of his county and shall also state in his report all cases in which he had required by order, as hereinbefore provided, for payment by relatives to the support of the insane person, or the application of his estate, income, annuity or pension thereto, and the respective amounts so ordered to be paid. The county treasurer shall also report to the board of supervisors the amounts collected by him on such order. It shall be the

Probate judge may commit insane person to care of superintendent of poor.

Proviso.

Insane person may be committed as a private patient.

State charges to be certified to Secretary of State.

Probate judge to report to supervisors.

County treasurer to report to supervisors.

duty of the board of supervisors at the next annual meeting thereafter to raise money requisite to meet the expenses of support accordingly. The order of the judge of probate may be in the following form:

State of Michigan, }
County of..... } ss.

Form of order.

Probate court for said county.

At a session of the said probate court holden at the probate office in the _____ of _____ on the _____ day of _____, A. D. 189—

Present _____

Judge of Probate.

In the matter of _____, an insane person (or pauper).

This day having been assigned for hearing the petition now on file in this court, alleging that _____ a _____ of _____, in said county (or that his residence is unknown), is insane, and praying that the said _____ may be admitted to the _____ asylum for the insane at _____, there to be supported at the expense of the county of _____, and having notified the said insane person and the other persons and officials required by law to be notified of the time and place of hearing said petition, and having filed the certificates taken under oath of _____ and _____ two legally qualified physicians, and having taken the testimony of other credible witnesses, and having inquired into h— settlement and having fully investigated the facts in the case with— the verdict of a jury as to the question of insanity, I, the judge of probate in and for said county, do find and adjudge that the said _____ is insane and is _____ in indigent circumstances _____ (or pauper), (or, "and his estate is sufficient to support himself under the visitation of insanity, but no person appears to give the necessary bond or to perform the necessary conditions to permit said _____ to be admitted to the asylum as a private patient,") and certify and adjudge that the said _____ is insane and that he has _____ acquired a legal settlement in said county (or that he has not acquired a legal settlement in said county, but that he has a legal residence in the county of _____ in said State, or that his legal residence is unknown), and that his estate is _____ sufficient to support h— and h— family under the visitation of insanity.

It is therefore ordered that the said _____ be admitted to said asylum and there supported at the expense of the county of _____ (or State of Michigan) until restored to soundness of mind, if effected within one year, and until otherwise ordered.

Probate Judge.

I hereby appoint and direct _____ to take said _____ to the _____ asylum for the insane at _____ with full power and authority for that purpose. When any person is

found to be insane and in need of treatment at an insane asylum in this State, and the question of his indigency, residence, or legal settlement cannot, for any reason then be adjudicated, he shall, nevertheless, be committed to the proper asylum to be supported at the expense of the State until such question can be properly adjudged; and if, upon the determination thereof, it shall be found that any county in this State was legally liable for the support of such person, the judge of probate shall certify such fact to the Secretary of State and to the superintendent of the asylum at which such person is detained, and the expense borne by the State pending such determination shall be charged up to such county and paid by the county treasurer out of the general fund into the State Treasury.

Charge for maintenance of patients to be fixed annually by boards of trustees in joint meeting, etc.

Quarterly report to Secretary of State.

Maintenance of insane after two years, State charge.

When State to defray expense for return of patient to asylum.

Bills for maintenance of, how paid, etc.

SEC. 29. The rate of charge per week to be paid for the board and necessary treatment of all patients of the asylums who are residents of this State shall be annually fixed by the trustees of the several asylums in joint session, and shall not exceed the actual cost of support and attendance exclusive of officers' salaries; but this provision shall not be construed so as to prevent the furnishing of extra care and attendance to patients by special contracts to parties chargeable therefor. At the close of each quarter the medical superintendents of the asylums shall certify to the Secretary of State the name, age and residence of all patients under treatment, the expense of whose maintenance shall have been wholly paid by any county for the period of one year, whether such period shall have been continuous or interrupted, and such patient shall, from and after the close of such period of one year, be maintained by the State until restored, or so long as may be deemed necessary by the board of trustees. No person who has been committed to any asylum in the State and removed or discharged temporarily or otherwise and has been absent therefrom for a period of six months or longer, shall be readmitted except upon a new adjudication as to his insanity; and whenever an insane person shall have been maintained in any of the asylums for the insane in this State at the expense of any county thereof for a period of two years, whether such period shall be continuous or interrupted, and shall be discharged therefrom temporarily or otherwise, and thereafter readmitted to any asylum within the State, he shall not again be chargeable to any county, but to the State. If a State patient shall be removed from an asylum on trial and his friends be unable to defray the expenses of his return to the asylum in case such return becomes necessary, the actual necessary expenses attending his return shall be defrayed by the State, the asylum paying the same and rendering the account quarterly to the Auditor General in the same manner as other bills are rendered for the support of State patients. The bills for the maintenance, clothing and other charges of such patients shall be rendered quarterly to the

Auditor General in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurers of the asylums in which the patients may be, on the warrant of the Auditor General out of any moneys belonging to the general fund. The provisions of this act shall apply to the Wayne County Asylum as far as they may be applicable and consistent with its organization.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 174.]

AN ACT to make an Appropriation to furnish new Boilers to replace those now in use at the Michigan Soldiers' Home, and to provide a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That the sum of fifteen thousand dollars be and is hereby appropriated out of the general fund for the fiscal year ending June thirty, one thousand nine hundred, for the purpose of purchasing new steam boilers for the Michigan Soldiers' Home to replace those now in use. Appropriation
for boilers.

SEC. 2. The amount appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the treasurer of the Michigan Soldiers' Home at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 3. The Auditor General shall add to and incorporate in the State taxes for the year one thousand eight hundred and ninety-nine the sum of fifteen thousand dollars, to be assessed and collected as other State taxes are assessed and collected, which sum when collected, shall be placed to the credit of the general fund to reimburse such fund for the amount appropriated under the provisions of this act. To be incor-
porated in tax
levy.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 175.]

AN ACT to provide for the Sale, Disposition and Control of the Unpatented Swamp and Overflowed Lands in the Township of Clay, St. Clair County, Michigan.

The People of the State of Michigan enact:

Unpatented
swamp lands.

SECTION 1. That the unpatented swamp and overflowed lands within the delta of the St. Clair river, in the township of Clay, in the county of St. Clair, shall be held, sold, disposed of and controlled in the manner herein provided.

Who entitled
to patent.

SEC. 2. Any person who shall claim any of said lands to have been in his possession and occupancy and improved by him or his assignors prior to and on January one, eighteen hundred ninety-nine, may have a patent issued to him therefor, or so much thereof as he may be entitled to receive, on complying with the terms of this act.

Claim on lands,
where filed,
what to show,
etc.

SEC. 3. The claim of any person to said land shall be filed in the office of the Commissioner of the State Land Office within ninety days after the filing of the surveyor's plat provided for in section four of this act. Such claim shall give claimant's name and postoffice address, and shall show the facts and circumstances asserted by the claimant on which he claims possession, occupancy and improvement of the land. The claim so filed shall show the amount alleged to have been expended under the provisions of this act and the date from which he claims possession by himself or his assignors, and the character of the improvements made, and shall be signed and verified by the claimant. No person shall be entitled to make claim, as occupant, under this act, for any lands for the recovery of which suit has already been commenced by this State, unless it shall appear that entry was made by the claimants and improvement commenced before the beginning of such suit.

Commissioner
to cause survey
of lands to be
made.

SEC. 4. It shall be the duty of the Commissioner of the State Land Office, as soon as practicable after the passage of this act, to cause all of said lands fronting upon the open lake or any of the navigable channels, within or bordering upon said lands, to be surveyed or laid off into convenient lots or parcels fronting upon said channels and extending backward therefrom and at right angles thereto a distance of not more than five hundred feet: *Provided, however,* That no lot shall extend to a greater depth than midway to a parallel channel. Upon completion of such survey the commissioner shall cause a duly prepared plat thereof, together with the field notes of the surveyor, to be filed in his office, and a certified copy of such plat filed with the register of deeds of the county of St. Clair. Such plat, with the field notes, shall be filed with the Commissioner of the State Land Office on or before the first day of August next, unless the commissioner shall extend the time therefor, and on receipt thereof the commissioner shall give due notice of the fact by publication in at least two daily newspapers published in the city of Detroit. In making such survey and plat the commissioner shall, at such convenient points as he shall deem necessary, leave strips of land not less than two nor more than six rods

Proviso as to
depth of lot.

Plats, field
notes, copies,
etc., where
filed.

Publication
of notice.

Provisions
for highways.

in width, extending from such navigable channels to the waters of the bay or bays, or lake, or to the lands in the rear thereof, which shall not be included within the lines of the lots intended for sale, and which said strips, when so selected and platted, are declared to be public highways. All existing channels and cuts used for passage, whether natural or artificial, extending from either the South Channel, North Channel, Middle Channel or Snibora Channel to the waters or lands in the rear thereof, are declared to be public highways, through which all persons are of right entitled to pass with craft suitable for such passage. In making the survey herein provided, the commissioner shall cause permanent monuments to be erected at the corners of each of the various and respective lots, and upon at least one of said corners shall cause the number of the lot to be inscribed. Any person who shall remove or mutilate any of said monuments shall be held guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined not to exceed two hundred dollars, or by imprisonment not to exceed six months, or both such fine and imprisonment in the discretion of the court.

Certain channels, etc., to be highways.

Monuments to be erected, numbered, etc.

Penalty for mutilating.

SEC. 5. For the purposes of this act, the words "possession," "occupancy" and "improvement" shall mean

Definition of certain words.

1. Actual improvements by throwing up of embankments of land or ditching or dredging, or the erection thereon of a structure suitable for residence purposes;

2. Or sheet piling on or around premises, or the erection thereon of a structure suitable for residence purposes, or enclosure of premises by a good and proper fence and erection of a structure thereon suitable for residence purposes;

3. Or the construction on premises of a structure suitable for residence purposes: *Provided, however*, That no claim to these lands on account of occupancy, possession and improvement shall be recognized unless the party making the claim has put improvements upon the premises to the value of at least one hundred dollars, and claimed ownership thereof in his own right on or before January one, eighteen hundred ninety-nine: *And provided further, however*, That where any claim shall be for less than one hundred feet front, the amount of improvement required thereon shall be at the rate of not less than one dollar per front foot.

Proviso as to improvements.

SEC. 6. The Commissioner of the State Land Office shall ascertain and decide upon the rights of persons claiming the benefit of this act, and he shall have power to hear and decide in a summary manner all matters respecting such claims, and to that end compel the attendance of witnesses and receive such competent testimony by deposition or otherwise as may be produced, and determine thereon, according to equity and justice, the validity and just extent of the claims and respective rights of conflicting claimants. He shall cause minutes of the filing of such claims, and all his proceedings

Powers of land commissioner, to compel attendance of witnesses, etc.

to be entered in a book kept for that purpose, and keep a record of the evidence from which his decisions are made, and is authorized, when he deems it necessary, to employ a stenographer to assist him.

Provisions in case of conflicting claims.

SEC. 7. In case of conflicting claims to any tract or portion thereof, the commissioner shall cause notice of the conflict to be mailed to the address of each claimant interested therein; such notice to be given by registered letter, and a receipt for the same shall be preserved by the commissioner and shall be *prima facie* evidence of the service thereof. In case of conflict, the commissioner shall give at least ten days notice to all claimants of the time and place of hearing upon such claims, and in such cases depositions may be taken by any claimant in the manner provided for taking depositions in circuit courts, notice thereof to be served upon all adverse claimants.

Depositions, how taken when no adverse claims are filed.

When no adverse claims are filed, proofs may be taken by deposition in like manner after service of reasonable notice thereof, upon the Commissioner of the State Land Office.

Notice to claimants.

The Commissioner of the State Land Office shall give reasonable notice to all such claimants by mail, at their address as given in the claim, of the time appointed by him for the hearing of the claim.

Commissioner to hear claims and issue certificate.

SEC. 8. The commissioner shall hear and determine all claims presented under this act, and each claimant adjudged entitled thereto shall receive from the commissioner a certificate for the land claimed, or for so much thereof as shall be adjudged to such claimant, his heirs or assigns, in which shall be certified the name of the claimant, a description of the land so adjudged to him, and the purchase price due therefor, which money shall be paid to the State Treasurer within sixty days after notice by registered letter, mailed as hereinbefore provided, of the final adjudication of said claim by said commissioner, endorsed by him upon such certificate of purchase. Such certificate shall further state that such claimant, his heirs or assigns shall, on payment of the amount therein named, be entitled to a patent for said lands, to be executed by the Governor, and upon presentation and surrender of such certificate to the Secretary of State, together with the receipt of the State Treasurer showing payment of the purchase price, a patent shall issue to said claimant, his heirs or assigns. An appeal to the circuit court for St. Clair county from the decision of the commissioner between conflicting claimants will lie in the same manner as near as may be as in actions of trespass before justices of the peace, where a plea of title is interposed.

Certificates, what to state.

When patent issued.

Action of appeal from decision of commissioner.

Price of lands, how computed.

The price of said lands to such claimants shall be computed by reference to frontage on natural, navigable channels at the following rates per front foot, namely: On South Channel, one dollar per foot; North Channel, fifty cents per foot; Middle and Snibora Channels, twenty-five cents per foot, and

all interior or artificial channels or the open lake at such price as the Commissioner of the State Land Office shall from time to time determine, or as shall be secured by public auction.

SEC. 9. All claims under this act shall be filed with the Commissioner of the State Land Office within three months after the filing of the plat and field notes above required, and all rights of claimants to any lands involved in this act for which claim shall not be made and filed within the time herein provided shall cease and become void, and all persons occupying such lands shall from thenceforth be considered trespassers. Claims, when and where filed.

SEC. 10. No claim under this act shall be allowed for more than two hundred feet frontage, and no more than one tract shall be adjudged to any one person, and no more shall be granted to any claimant than was actually in good faith claimed and improved or occupied for residence purposes, and improved on or before the first day of January, A. D., eighteen hundred ninety-nine: *Provided however*, That in case the claimant be an association, society or club, it may be awarded a frontage not exceeding twenty-five feet for each member of such club, society or association in good standing on January first, eighteen hundred ninety-nine: *And provided further*, That any claimant who shall have improved or occupied more than two hundred feet front or erected valuable improvements thereon, suitable for residence location shall, in the discretion of the Commissioner of the State Land Office, be entitled to receive a patent for so much additional frontage as he shall have actually so occupied and improved. Claims to be allowed.

SEC. 11. All the said lands so platted not awarded to any claimant under the foregoing provisions of this act shall be appraised by three appraisers chosen by the Commissioner of the Land Office for that purpose, who shall determine their real value exclusive of all improvements, which appraisal shall be filed with the said commissioner and thereupon the said lands shall be held for sale by the Commissioner of the State Land Office and may be disposed of by him at public or private sale, as opportunity may arise, but no sale shall be made at any less price than the appraised value. Proviso as to claimant being an association, etc.

SEC. 12. The moneys received from sale of the said lands shall be paid to the State Treasurer and by him accredited to the general fund. All expenses incurred in carrying out the provisions of this act shall, when audited by the Board of State Auditors be paid from the general fund in the same manner as other expenses incident to the conduct of the State Land Office. Further proviso.

SEC. 13. All of said swamp and overflowed lands not lying contiguous to any natural, navigable channel, and not included in the surveys made by the Commissioner of the State Land Office under the previous sections of this act, shall be and are hereby forever reserved to and for the use of the peo- Lands not awarded to be appraised.

ple of this State as a hunting and fishing resort, which said resort shall be under the care and supervision of the State Game Warden, who shall prescribe rules to be observed by persons making use of the same.

Illegal
occupants.

Proviso as to
leasing lands.

Further
proviso as to
term of lease.

SEC. 14. All persons now in occupation or who shall hereafter enter into occupation of any portion of the lands which are by section thirteen of this act reserved from sale, shall be deemed occupants without right and shall by the Commissioner of the State Land Office be required to remove therefrom: *Provided however*, The commissioner may in his discretion lease premises within said lands to persons at present occupying the same at such price as he may deem just in case he shall believe such action will not seriously reduce the value of said premises as a game reserve and if he deems such action for the best interest of the people of the State: *Provided further*, That no such lease shall be for a longer period than three years. And in case any occupants of said premises continue to occupy the same and decline to enter into a lease with said commissioner he shall immediately take legal action to remove them therefrom.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 176.]

AN ACT authorizing School District Boards, Boards of Trustees of Graded Schools and Boards of Education in Cities to establish and maintain Day Schools for the Deaf, and authorizing payment therefor from the general fund.

The People of the State of Michigan enact:

Instruction of
the deaf
authorized in
graded schools.

SECTION 1. That upon application by a school district board, board of trustees of a graded school, or board of education of any city, of this State, to the Superintendent of Public Instruction, he shall grant permission to such board to establish and maintain, and such board shall thereupon be empowered to maintain within the limits of its jurisdiction one or more day schools, having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three years, whose parents, or guardians in the case of orphans, are residents of the State of Michigan.

Boards main-
taining schools
to report to
Superintendent
of Public
Instruction.

SEC. 2. Any board which shall maintain one or more day schools for the instruction of the deaf shall report to the superintendent of public instruction annually, and at such other times as he may direct, such facts concerning the school or schools as he may require.

SEC. 3. The State Treasurer is hereby authorized and directed to apportion and pay out of the "general fund" annually to the treasurer of any board maintaining a school or schools, which shall be established in accordance with this act, the sum of one hundred and fifty dollars for each deaf pupil instructed in any such school for nine months during the school year, and a part of such sum proportionate to the time of instruction of any such pupil so instructed less than nine months during each year.

Appropriation
for each pupil
so taught.

SEC. 4. The money received from the State Treasurer, as provided in section three of this act, shall be kept separate and distinct from all other funds by the treasurer of the board receiving it, and shall be known as "the fund for the support of schools for the deaf," and shall be paid out for no other purpose than for the payment of salaries of teachers of schools for the deaf, as herein provided, and for school appliances, and all sums not expended under this act shall be returned to the State Treasurer and credited to the primary school interest fund.

To be a
separate fund,
how known.

How used.

SEC. 5. All teachers in such schools shall be appointed and employed as other public school teachers are appointed and employed. All persons appointed to teach in any such school shall have had special training for teaching, and shall also have had special training in the teaching of the deaf, including at least one year's experience as a teacher in a school for the deaf. The so-called "oral" system shall be taught by such teachers, and if after a fair trial of nine months, any of such children shall for any reason be unable to learn such oral method, then no further expense shall be incurred in the effort to teach such child so unable to learn such oral method in such primary schools.

Teachers, how
appointed,
qualifications,
etc.

System to be
taught.

SEC. 6. For the purpose of this act, any person of sound mind, who, by reason of defective hearing, cannot profitably be educated in the public schools, as other children are, shall be considered deaf.

Who con-
sidered as deaf.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 177.]

AN ACT to amend sections one, fifteen and thirty of act number seventy-seven of the Session Laws of eighteen hundred sixty-nine, entitled "An act in Relation to Life Insurance Companies Transacting Business within this State," as heretofore amended, being sections seven thousand one hundred ninety, seven thousand two hundred four and seven thousand two hundred eighteen of the Compiled Laws of eighteen hundred ninety-seven.

[No. 181.]

AN ACT to require the labeling of all Gasoline, Benzine and Naphtha sold at retail, and to repeal Act number one hundred forty-six, laws of eighteen hundred and eighty-nine.

The People of the State of Michigan enact:

Explosive oils
how labeled.

SECTION 1. That every druggist, grocer, peddler or other person who shall sell and deliver at retail any gasoline, benzine or naphtha without having the true name thereof and the words, "explosive when mixed with air," plainly printed upon a label securely attached to the can, bottle or other vessel containing the same, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months, or both such fine and imprisonment in the discretion of the court.

Penalty.

Label, not to be
printed or written
on.

SEC. 2. The label provided for in this act shall have no other printing or writing thereon in letters more than one-quarter of the size of the words hereinbefore specified.

Oil inspector
duty of.

SEC. 3. It shall be the duty of the State Oil Inspector and his deputies to enforce the provisions of this act; and their compensation and expenses while so engaged shall be paid from the fund derived from inspection of illuminating oil.

Compensation.

Act repealed.

SEC. 4. Act number one hundred forty-six of the laws of eighteen hundred and eighty-nine is hereby repealed.

Approved April 12, 1899.

[No. 182.]

AN ACT to regulate the practice in the Circuit Courts of this State upon demurrers to the evidence upon requests by the defendants to direct the verdict.

The People of the State of Michigan enact:

When defendant
may ask for verdict.

SECTION 1. That upon the trial of any case in any of the circuit courts in this State, the defendant, upon the conclusion of the plaintiff's testimony, may request the court to direct the jury to bring in a verdict for the defendant, or make demur to the evidence, without resting his case absolutely.

When may have
benefit of exceptions.

SEC. 2. Upon the refusal of the court to grant such motion, the defendant shall have the benefit of an exception, as in ordinary cases, and without waiving such exception may then introduce testimony and make his defense upon the merits.

Approved April 12, 1899.

[No. 183.]

AN ACT to amend sections one, two, three, five, six, eight, nine, thirteen, fourteen, fifteen and sixteen of act number two hundred seven of the public acts of eighteen hundred eighty-nine, and to add a new section to stand as section twenty-five, and to repeal section seven of said act number two hundred seven of the public acts of eighteen hundred eighty-nine, entitled "An act to prohibit the manufacture, sale, keeping for sale, giving away or furnishing of vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverage any part of which is intoxicating, and to prohibit the keeping of any saloon or other place for the manufacture, sale, storing for sale, giving away or furnishing of such liquors or beverages, and to suspend the general laws of the State relative to the taxation and regulation of the manufacture and sale of such liquors in the several counties of this State under certain circumstances; to authorize the qualified electors of the several counties of this State to express their will in regard to such prohibition by an election, and to authorize and empower the board of supervisors of the several counties, after such election, if they shall determine the result to be in favor of such prohibition, to prohibit the manufacture, sale, keeping for sale, giving away or furnishing of any such liquors, or the keeping of a saloon or any other place for the manufacture, sale, storing for sale, giving away or furnishing of the same in their respective counties; and to provide for penalties and rights of action in case of its violation."

The People of the State of Michigan enact:

SECTION 1. That section seven be and the same is hereby repealed and that sections one, two, three, five, six, eight, nine, thirteen, fourteen, fifteen and sixteen of act two hundred seven of the public acts of eighteen hundred eighty-nine, as amended, entitled "An act to prohibit the manufacture, sale, keeping for sale, giving away or furnishing of vinous, malt, brewed, fermented, spirituous or intoxicating liquors or any mixed liquor or beverage, any part of which is intoxicating, and to prohibit the keeping of any saloon or other place for the manufacture, sale, storing for sale, giving away or furnishing of such liquors or beverages, and to suspend the general laws of the State relative to the taxation and regulation of the manufacture and sale of such liquors in the several counties of this State under certain circumstances; to authorize the qualified electors of the several counties in this State to express their will in regard to such prohibition by an election, and to authorize and empower the board of supervisors of the several counties, after such election, if they shall determine the result in favor of such prohibition, to prohibit the manufacture, sale keeping for

Section
repealed.

Sections
amended.

sale, giving away or furnishing of any such liquors, or the keeping of a saloon or any other place for the manufacture, sale, storing for sale, giving away or furnishing of the same within their respective counties; and to provide for penalties and rights of action in case of its violation," be and the same are hereby amended so as to read as follows:

The People of the State of Michigan enact:

When unlawful
to sell, keep etc.,
intoxicating
liquors.

Proviso.

When provis-
ions of general
law for taxation
etc., suspended.

Proviso.

Proceedings to
ascertain the
will of the
electors, etc.

Petition.

SECTION 1. That it shall be unlawful for any person directly or indirectly, himself or by his clerk, agent or employee, to manufacture, sell, keep for sale, give away or furnish any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverages, any part of which is intoxicating, or keep a saloon or any other place where any such liquors are manufactured, sold, stored for sale, given away or furnished in any county of this State on and after the first day of May next following after the adoption by the board of supervisors of such county of a resolution prohibiting the same, as provided in section thirteen of this act, so long as such resolution remains unrepealed: *Provided, however,* That the provisions of this section shall not apply to druggists, or registered pharmacists, in selling any such liquors under and in compliance with the restrictions and requirements imposed upon them by the general laws of this State and section twenty-five of this act, as amended.

SEC. 2. On and after the first day of May next following after the adoption by the board of supervisors of any county of a resolution prohibiting the manufacture of liquors and the liquor traffic, as hereinafter provided in section thirteen of this act, the provisions of the general laws of this State for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving away or delivering spirituous and intoxicating liquors, and malt, brewed or fermented and vinous liquors shall be and the same are hereby declared suspended and superseded so far as relates to the territory and municipalities within the limits of any such county: *Provided, however,* That all sales of liquors by druggists, or registered pharmacists, in such counties shall be under the restrictions and requirements imposed upon them by the general laws of this State and this act, as amended.

SEC. 3. In order to ascertain the will of the qualified electors of each organized county, in regard to such prohibition, it shall be the duty of the county clerk of the counties of this State, severally, upon written application and petition filed with him and addressed to the board of supervisors of the county, signed by not less than one-third of all the qualified electors thereof, as shown by the poll lists or returns and canvass of the last preceding general election for State officers held in such county, praying that the question, should the manufacture of liquor and the liquor traffic be prohibited with-

in the county, be submitted to the qualified electors of the county, to lay such petitions before the board of supervisors at the earliest opportunity.

SEC. 5. When such petitions have been presented to the county clerk, he shall file the same in his office, and when it shall appear upon the face thereof, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election that such submission of said question of prohibition has been prayed for by not less than one-third of all the qualified electors of the entire county, shown as aforesaid, he shall, at the next regular or adjourned meeting of the board of supervisors, call the attention of the board to the fact that such petitions have been received and filed with him.

County clerks
to file petition
etc.

County clerk to
call attention of
supervisors
to petition.

SEC. 6. At such meetings of the board of supervisors it shall be the duty of the county clerk to lay before them petitions filed in his office praying for such submission of said question of prohibition, and when upon examination, it shall appear to the said board, upon the face of said petitions, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election, that such submission of said question has been prayed for by the requisite number of electors, as hereinbefore provided, they shall, by resolution, determine and declare to that effect, and such determinations shall be final as to the sufficiency of the petitions and the requisite number of electors signing the same, and they shall thereupon issue an order directing that such question shall be voted upon at the next annual township election to be held in and for such county. Said order shall recite: The filing and examining of the petitions; the resolution determining and declaring that said petitions represent not less than one-third of all the qualified electors of the county as shown by the transcripts of the poll lists, or the returns and canvass of the last preceding general election for State officers held in such county; the ordering of the question of prohibition to be submitted at the next general election for township officers in the several townships, villages and cities in the county, to ascertain whether or not it is the will of the electors of the county that the manufacture of liquor and the liquor traffic should be prohibited within the limits of the county; which said day of election shall always be at the time of the township meeting for the election of township officers. Such orders shall be entered in full upon the journal of the proceedings of the board for that day, and the same shall be signed by the acting chairman and clerk of the board before final adjournment. The county clerk shall, without delay, cause a copy of such order, duly certified by him, to be delivered to the township clerk of each township, and to one of the inspectors of election of each ward or election district of every city in the county, and shall also at the same time cause

Clerk to lay
petitions before
supervisors.

Order for elec-
tion what to
recite.

Order to be en-
tered upon
journal.

Copy to be sent
to clerks and in-
spectors of elec-
tion.

sale, giving away or furnishing of any such liquors, or the keeping of a saloon or any other place for the manufacture, sale, storing for sale, giving away or furnishing of the same within their respective counties; and to provide for penalties and rights of action in case of its violation," be and the same are hereby amended so as to read as follows:

The People of the State of Michigan enact:

When unlawful
to sell, keep etc.,
intoxicating
liquors.

SECTION 1. That it shall be unlawful for any person directly or indirectly, himself or by his clerk, agent or employee, to manufacture, sell, keep for sale, give away or furnish any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverages, any part of which is intoxicating, or keep a saloon or any other place where any such liquors are manufactured, sold, stored for sale, given away or furnished in any county of this State on and after the first day of May next following after the adoption by the board of supervisors of such county of a resolution prohibiting the same, as provided in section thirteen of this act, so long as such resolution remains unrepealed: *Provided, however,* That the provisions of this section shall not apply to druggists, or registered pharmacists, in selling any such liquors under and in compliance with the restrictions and requirements imposed upon them by the general laws of this State and section twenty-five of this act, as amended.

Proviso.

When provisions of general
law for taxation
etc., suspended.

SEC. 2. On and after the first day of May next following after the adoption by the board of supervisors of any county of a resolution prohibiting the manufacture of liquors and the liquor traffic, as hereinafter provided in section thirteen of this act, the provisions of the general laws of this State for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving away or delivering spirituous and intoxicating liquors, and malt, brewed or fermented and vinous liquors shall be and the same are hereby declared suspended and superseded so far as relates to the territory and municipalities within the limits of any such county: *Provided, however,* That all sales of liquors by druggists, or registered pharmacists, in such counties shall be under the restrictions and requirements imposed upon them by the general laws of this State and this act, as amended.

Proviso.

Proceedings to
ascertain the
will of the
electors, etc.

Petition.

SEC. 3. In order to ascertain the will of the qualified electors of each organized county, in regard to such prohibition, it shall be the duty of the county clerk of the counties of this State, severally, upon written application and petition filed with him and addressed to the board of supervisors of the county, signed by not less than one-third of all the qualified electors thereof, as shown by the poll lists or returns and canvass of the last preceding general election for State officers held in such county, praying that the question, should the manufacture of liquor and the liquor traffic be prohibited with-

in the county, be submitted to the qualified electors of the county, to lay such petitions before the board of supervisors at the earliest opportunity.

SEC. 5. When such petitions have been presented to the county clerk, he shall file the same in his office, and when it shall appear upon the face thereof, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election that such submission of said question of prohibition has been prayed for by not less than one-third of all the qualified electors of the entire county, shown as aforesaid, he shall, at the next regular or adjourned meeting of the board of supervisors, call the attention of the board to the fact that such petitions have been received and filed with him.

County clerks
to file petition
etc.

County clerk to
call attention of
supervisors
to petition.

SEC. 6. At such meetings of the board of supervisors it shall be the duty of the county clerk to lay before them petitions filed in his office praying for such submission of said question of prohibition, and when upon examination, it shall appear to the said board, upon the face of said petitions, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election, that such submission of said question has been prayed for by the requisite number of electors, as hereinbefore provided, they shall, by resolution, determine and declare to that effect, and such determinations shall be final as to the sufficiency of the petitions and the requisite number of electors signing the same, and they shall thereupon issue an order directing that such question shall be voted upon at the next annual township election to be held in and for such county. Said order shall recite: The filing and examining of the petitions; the resolution determining and declaring that said petitions represent not less than one-third of all the qualified electors of the county as shown by the transcripts of the poll lists, or the returns and canvass of the last preceding general election for State officers held in such county; the ordering of the question of prohibition to be submitted at the next general election for township officers in the several townships, villages and cities in the county, to ascertain whether or not it is the will of the electors of the county that the manufacture of liquor and the liquor traffic should be prohibited within the limits of the county; which said day of election shall always be at the time of the township meeting for the election of township officers. Such orders shall be entered in full upon the journal of the proceedings of the board for that day, and the same shall be signed by the acting chairman and clerk of the board before final adjournment. The county clerk shall, without delay, cause a copy of such order, duly certified by him, to be delivered to the township clerk of each township, and to one of the inspectors of election of each ward or election district of every city in the county, and shall also at the same time cause

Clerk to lay
petitions before
supervisors.

Order for elec-
tion what to
recite.

Order to be en-
tered upon
journal.

Copy to be sent
to clerks and in-
spectors of elec-
tion.

Order for election how published.

Ballots who to furnish form of, etc.

Qualification of electors.

Registration how conducted, etc.

Proviso as to submitting question.

Duty of supervisors, when vote is in the affirmative.

Resolution of prohibition.

Entered upon journal.

such order to be published for three successive weeks in two newspapers published in the county.

SEC. 8. The officers whose duty it is to provide ballots for such annual township election shall provide suitable ballots, as is provided for in section forty-eight of act number two hundred sixty-six of the session laws of eighteen hundred ninety-seven, containing the question, "Shall the manufacture of liquors and the liquor traffic be prohibited within the county?"

SEC. 9. All persons entitled under the law of this State to vote for supervisor shall be deemed qualified to vote upon the question of prohibition provided for in this act. The registration of the qualified electors, the hours of opening and closing the polls, the manner of voting, and of holding and conducting an election under this act, and the power and duty of the boards of registration, of inspection of election, township boards and common council, and all other officers with reference to such election, shall be the same in every respect as in the case of annual township elections, or the election of members of the board of supervisors, except as otherwise provided for by this act so far as the same shall be applicable: *Provided, however,* That such proposition having been once submitted and decided either way by a majority of the votes of the qualified electors in any county in the State, voting thereon, the same shall not be again submitted in such county within a period of two years next thereafter, but may, at any time after the expiration of such period upon a like petition and action, be again submitted, and so on, at the expiration of not less than two years after such election.

SEC. 13. When the result of the county canvass shall show that a majority of all the legal voters voting on such proposition shall have voted to prohibit within such county the manufacture of liquors and the liquor traffic, and when the board of supervisors shall have so determined and declared, as hereinbefore provided, it shall be the duty of such board of supervisors to order the prohibition within the limits of such county of the manufacture, sale, keeping for sale, giving away or furnishing of any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverage, any part of which is intoxicating, and to prohibit the keeping of a saloon or any other place where such liquors are manufactured, sold, stored for sale, given away or furnished, by resolution, adopted at that same meeting of the board, or at a meeting to which the same may be adjourned not more than ten days after such canvass. Such resolution shall be spread in full upon the journal of their proceedings and shall set forth in a preamble the fact that an election submitting a proposition of prohibition as aforesaid was duly held in the county; that sufficient returns and statements have been canvassed by them and the result thereof ascertained; that such result was in the affirmative of such proposition, giving the majority, and that the same has been so determined and declared by them. Such reso-

lution of prohibition shall take full effect in such county on the first day of May next following its adoption, and shall not be subject to repeal by the board of supervisors within two years next thereafter, after the expiration of which period the board may again on petition of one-third of all the qualified electors thereof, as shown by the poll lists or returns and canvass of the last preceding general election for State officers held in the county, by a majority vote of all the members elect act as in the first instance, and repeal such resolution of prohibition, but not unless a majority of the electors of the county, voting on such proposition, at a subsequent election duly held in accordance with the provisions of this act, shall have declared against the prohibition of the manufacture of liquor and of the traffic therein, and upon the repeal of such resolution of prohibition by the board of supervisors, all former suspension and superseding of the general laws of the State relative to the taxation and regulation of the manufacture and sale of intoxicating liquors, as provided in section two of this act, shall cease within such county: *Provided, however,* That all actions which may have been brought and all rights of actions which may have accrued before such repeal shall remain and continue to exist as fully as if no such repeal had taken place.

When to take effect.
When not subject to repeal.

Result of repeal etc.

Proviso.

SEC. 14. It shall be the duty of the clerk of such board of supervisors to publish without delay, once in each week until the first day of the next May, in a newspaper published and circulating in such county, to be designated by the board, a copy of the preamble and resolution adopted by the board, as provided by section thirteen of this act: *Provided,* That if such proposition shall have been decided in the negative, such publication shall not be required. The said clerk shall also, without delay, forward to the Secretary of State a certified transcript of such resolution and of so much of the journal of the proceedings of the board of supervisors as pertains to such election, including the tabular statement of votes, together with a copy of the affidavit of publication of the notice of the adoption of the resolution. Such original affidavit of publication shall be filed with the clerk of the board of supervisors, and he shall spread the same on the records of the board, following the record of the adoption of the resolution of prohibition, and the said clerk shall state next on the record the date when said notice and affidavit of publication was entered for record, and shall then sign the record officially. The record of such resolution of prohibition and the publication of notice, and all duly certified copies thereof, shall be the evidence of the facts therein stated so far as relates to the territory and municipalities within the limits of said county; and the regularity of any proceedings prior to the adoption of such resolution by the board of supervisors shall not be open to question on the examination or trial of any person for the violation of any of the provisions of section one of this act.

Clerk to publish copy of resolution.

Proviso.

Clerk to forward to Secretary of State transcript of resolution etc.

Record of publication to be evidence.

Provisions of
act, when to
take effect. .

Provide as to
prohibition of
act.

Penalty for
violation of
act, first
offense.

Subsequent
offenses.

Druggists to re-
port to prose-
cuting attorney.

SEC. 15. The prohibitory provisions of this act shall take effect and have full force within such county of this State on and after the first day of May, immediately following the adoption by the board of supervisors of such county of the resolution ordering such prohibition and upon publication of the notice of the adoption of such resolution: *Provided, however,* That nothing in this act shall be so construed as to prohibit the sale of wine for sacramental purposes, nor shall anything herein contained prohibit druggists or registered pharmacists from selling or furnishing pure alcohol for medicinal, art, scientific and mechanical purposes, nor prohibit the sale of wine or cider from home grown fruit in quantities of not less than five gallons.

SEC. 16. Any person, who himself, or by his clerk, agent or employee, shall violate any of the provisions of sections one or twenty-five of this act shall, for the first offense, be deemed guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars, and the costs of his prosecution, and to imprisonment in the county jail not less than twenty days nor more than six months, in the discretion of the court. For the second and every subsequent offense so committed, whether in the same or any other county in this State where the provisions of sections one and two of this act are operative, he shall, upon conviction thereof, in any court of competent jurisdiction, be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, and to imprisonment in the State House of Correction and Reformatory at Ionia for a term of not less than six months nor more than two years, in the discretion of the court.

SEC. 25. Every druggist keeping a drug store in any county adopting prohibition under this act shall make, and swear to or cause to be made and sworn to, a true written or printed statement signed and duly sworn to by himself or his clerk, on Monday of each and every week, giving the full name and residence of every person procuring liquor at his drug store during the last week, the kind and quantity of liquor procured, and the date of procuring the same and the object for which each purchase was made, and on such Mondays shall deliver or mail, prepaying the postage thereon, the same to the prosecuting attorney of the county where such store is situated, who shall preserve the same in his office, and all such statements shall be open to inspection to all citizens.

Approved April 18, 1899.

[No. 184.]

AN ACT to amend section four of chapter three of act number one hundred sixty-four of the public acts of Michigan for the year eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contained in the provisions of this act," approved May twenty-first, eighteen hundred eighty-one, the same being compiler's section five thousand fifty-six of Howell's Annotated Statutes, and section four thousand six hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section four of chapter three of act number one hundred sixty-four of the public acts of Michigan for the year eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contained in the provisions of this act," approved May twenty-first, eighteen hundred eighty-one, the same being compiler's section five thousand fifty-six of Howell's Annotated Statutes, and section four thousand six hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Section amended.

CHAPTER III.

SEC. 4. Any qualified voter in a school district whose name appears upon the assessment roll, and is the owner in his own right of the property so assessed, shall be eligible to election or appointment to office in such school district, unless such person be an alien. Who may hold office.

Approved April 28, 1899.

[No. 185.]

AN ACT to provide for the employment of women physicians in certain institutions of this State.

The People of the State of Michigan enact:

SECTION 1. In the following named institutions of this State at least one resident woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render to such women or girls who are inmates such medical treatment as shall from time to time be necessary. Certain institutions to employ women physicians.

The institutions which shall be included in the provisions of this section are the following, viz.: The Asylum for Insane at Kalamazoo, The Asylum for Insane at Traverse City, The Asylum for Insane at Pontiac, The Asylum for Insane at Newberry, The Industrial Home for Girls at Adrian, The Home for the Feeble Minded and Epileptic at Lapeer, and all institutions of like nature which may hereafter be established.

Idem.

SEC. 2. In the following named institutions of this State a woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render to such women and girls who are inmates such medical treatment and services as may from time to time be necessary. The institutions which shall be included in the provisions of this section are the following, viz.: The School for the Deaf at Flint, The School for the Blind at Lansing, and all institutions of like nature which may hereafter be created.

Approved May 2, 1899.

[No. 186.]

AN ACT to amend sections forty-one and forty-seven of act number one hundred an fifty-five of the session laws of eighteen hundred and fifty-one, approved April eighth, eighteen hundred fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," being sections thirty-six hundred thirty-six and thirty-six hundred forty-two of volume one of Howell's Annotated Statutes of the State of Michigan, being sections sixty-six hundred eleven and sixty-six hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections forty-one and forty-seven of act number one hundred and fifty-five of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred fifty-one, being sections thirty-six hundred thirty-six and thirty-six hundred forty-two of volume one of Howell's Annotated Statutes of the State of Michigan, being sections sixty-six hundred eleven and sixty-six hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Penalty for un-
lawful collec-
tion of tolls, etc.

SEC. 41. Every toll-gatherer or gate-keeper at any such gate, wh shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each

offense, be subject to a fine of five dollars and costs of prosecution, and, in default of the payment of said fine and costs, be imprisoned not to exceed twenty days in the county jail, and shall be liable to the party aggrieved for all damages. And in case any toll-gatherer or gate-keeper at any such gate shall exact, or receive, any toll from any person objecting to, or protesting against, the payment of the same, for the reason that the toll-road of the corporation whose officer or agent such toll-gatherer or gate-keeper shall be, is then not constructed and maintained in all respects as required by law, then the corporation, whose officer or agent such toll-gatherer or gate-keeper shall be, shall, for each such offense, be liable to a penalty of ten dollars, to be recovered, together with costs of action, by the person so paying toll under objection or protest by suit against said corporation before a justice of the peace of the township in which such gate shall be located, provided said person so instituting said suit shall, on the trial thereof, show that, at the time of the exaction of such toll, said toll-road was in at least six different points or places in the course thereof, no two of which shall be less than a rod apart, not maintained or constructed in all respects as required by law. Process in any such suit may be served upon any officer or director, or upon any toll-gatherer or toll-gate keeper of said corporation in the township in which said suit shall be brought. The provisions of this section shall apply to and affect the Pontiac and Birmingham Gravel Road Company; the Pontiac and Orchard Lake Gravel Road Company; the Pontiac and Rochester Gravel Road Company; the Alpine Plank Road Company; the Grand Rapids and Walker Plank Road Company; the Grandville Plank Road Company; the Reed Lake Avenue Plank Road Company; the Riverside Turnpike Company; and the Division Street Gravel Road Company; the Prairie Rounde Plank Road Company; the Detroit and Erin Plank Road Company; the Detroit and Birmingham Plank Road Company; the Detroit and Howell Plank Road Company; and the Bridge Street and Allendale Gravel Road Company.

Roads subject to provisions of section.

SEC. 47. Any person, who shall forcibly or fraudulently pass any toll-gate erected on such road in pursuance of this act, without having paid the legal toll, or any person who, to avoid the payment of the legal toll, shall with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent thereto, and enter again on such road, shall, for each offense, be liable to a penalty not exceeding five dollars, to be sued for and recovered by said company, unless said defendant in any such suit shall prove on the trial that, at the time of the commission of such alleged offense, the toll-road of said plaintiff company was, at least in six different points or places in the course thereof, no two of which shall be less than a rod apart, not constructed and maintained in all respects as required by law, and such proof by the defendant in any such suit or action

Penalty for unlawful use of toll roads.

Provisions of
act, when to
take effect. .

Proviso as to
prohibition of
act.

Penalty for
violation of
act, first
offense.

Subsequent
offenses.

Druggists to re-
port to prose-
cuting attorney.

SEC. 15. The prohibitory provisions of this act shall take effect and have full force within such county of this State on and after the first day of May, immediately following the adoption by the board of supervisors of such county of the resolution ordering such prohibition and upon publication of the notice of the adoption of such resolution: *Provided, however,* That nothing in this act shall be so construed as to prohibit the sale of wine for sacramental purposes, nor shall anything herein contained prohibit druggists or registered pharmacists from selling or furnishing pure alcohol for medicinal, art, scientific and mechanical purposes, nor prohibit the sale of wine or cider from home grown fruit in quantities of not less than five gallons.

SEC. 16. Any person, who himself, or by his clerk, agent or employee, shall violate any of the provisions of sections one or twenty-five of this act shall, for the first offense, be deemed guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars, and the costs of his prosecution, and to imprisonment in the county jail not less than twenty days nor more than six months, in the discretion of the court. For the second and every subsequent offense so committed, whether in the same or any other county in this State where the provisions of sections one and two of this act are operative, he shall, upon conviction thereof, in any court of competent jurisdiction, be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, and to imprisonment in the State House of Correction and Reformatory at Ionia for a term of not less than six months nor more than two years, in the discretion of the court.

SEC. 25. Every druggist keeping a drug store in any county adopting prohibition under this act shall make, and swear to or cause to be made and sworn to, a true written or printed statement signed and duly sworn to by himself or his clerk, on Monday of each and every week, giving the full name and residence of every person procuring liquor at his drug store during the last week, the kind and quantity of liquor procured, and the date of procuring the same and the object for which each purchase was made, and on such Mondays shall deliver or mail, prepaying the postage thereon, the same to the prosecuting attorney of the county where such store is situated, who shall preserve the same in his office, and all such statements shall be open to inspection to all citizens.

Approved April 18, 1899.

[No. 184.]

AN ACT to amend section four of chapter three of act number one hundred sixty-four of the public acts of Michigan for the year eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contained in the provisions of this act," approved May twenty-first, eighteen hundred eighty-one, the same being compiler's section five thousand fifty-six of Howell's Annotated Statutes, and section four thousand six hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section four of chapter three of act number one hundred sixty-four of the public acts of Michigan for the year eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contained in the provisions of this act," approved May twenty-first, eighteen hundred eighty-one, the same being compiler's section five thousand fifty-six of Howell's Annotated Statutes, and section four thousand six hundred sixty-nine of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows: Section amended.

CHAPTER III.

SEC. 4. Any qualified voter in a school district whose name appears upon the assessment roll, and is the owner in his own right of the property so assessed, shall be eligible to election or appointment to office in such school district, unless such person be an alien. Who may hold office.

Approved April 28, 1899.

[No. 185.]

AN ACT to provide for the employment of women physicians in certain institutions of this State.

The People of the State of Michigan enact:

SECTION 1. In the following named institutions of this State at least one resident woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render to such women or girls who are inmates such medical treatment as shall from time to time be necessary. Certain institutions to employ women physicians.

The institutions which shall be included in the provisions of this section are the following, viz.: The Asylum for Insane at Kalamazoo, The Asylum for Insane at Traverse City, The Asylum for Insane at Pontiac, The Asylum for Insane at Newberry, The Industrial Home for Girls at Adrian, The Home for the Feeble Minded and Epileptic at Lapeer, and all institutions of like nature which may hereafter be established.

Idem.

SEC. 2. In the following named institutions of this State a woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render to such women and girls who are inmates such medical treatment and services as may from time to time be necessary. The institutions which shall be included in the provisions of this section are the following, viz.: The School for the Deaf at Flint, The School for the Blind at Lansing, and all institutions of like nature which may hereafter be created.

Approved May 2, 1899.

[No. 186.]

AN ACT to amend sections forty-one and forty-seven of act number one hundred and fifty-five of the session laws of eighteen hundred and fifty-one, approved April eighth, eighteen hundred fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," being sections thirty-six hundred thirty-six and thirty-six hundred forty-two of volume one of Howell's Annotated Statutes of the State of Michigan, being sections sixty-six hundred eleven and sixty-six hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

**Sections
amended.**

SECTION 1. That sections forty-one and forty-seven of act number one hundred and fifty-five of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred fifty-one, being sections thirty-six hundred thirty-six and thirty-six hundred forty-two of volume one of Howell's Annotated Statutes of the State of Michigan, being sections sixty-six hundred eleven and sixty-six hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Penalty for unlawful collection of tolls, etc.

SEC. 41. Every toll-gatherer or gate-keeper at any such gate, who shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each

offense, be subject to a fine of five dollars and costs of prosecution, and, in default of the payment of said fine and costs, be imprisoned not to exceed twenty days in the county jail, and shall be liable to the party aggrieved for all damages. And in case any toll-gatherer or gate-keeper at any such gate shall exact, or receive, any toll from any person objecting to, or protesting against, the payment of the same, for the reason that the toll-road of the corporation whose officer or agent such toll-gatherer or gate-keeper shall be, is then not constructed and maintained in all respects as required by law, then the corporation, whose officer or agent such toll-gatherer or gate-keeper shall be, shall, for each such offense, be liable to a penalty of ten dollars, to be recovered, together with costs of action, by the person so paying toll under objection or protest by suit against said corporation before a justice of the peace of the township in which such gate shall be located, provided said person so instituting said suit shall, on the trial thereof, show that, at the time of the exaction of such toll, said toll-road was in at least six different points or places in the course thereof, no two of which shall be less than a rod apart, not maintained or constructed in all respects as required by law. Process in any such suit may be served upon any officer or director, or upon any toll-gatherer or toll-gate keeper of said corporation in the township in which said suit shall be brought. The provisions of this section shall apply to and affect the Pontiac and Birmingham Gravel Road Company; the Pontiac and Orchard Lake Gravel Road Company; the Pontiac and Rochester Gravel Road Company; the Alpine Plank Road Company; the Grand Rapids and Walker Plank Road Company; the Grandville Plank Road Company; the Reed Lake Avenue Plank Road Company; the Riverside Turnpike Company; and the Division Street Gravel Road Company; the Prairie Rounde Plank Road Company; the Detroit and Erin Plank Road Company; the Detroit and Birmingham Plank Road Company; the Detroit and Howell Plank Road Company; and the Bridge Street and Allendale Gravel Road Company.

Roads subject to provisions of section.

SEC. 47. Any person, who shall forcibly or fraudulently pass any toll-gate erected on such road in pursuance of this act, without having paid the legal toll, or any person who, to avoid the payment of the legal toll, shall with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent thereto, and enter again on such road, shall, for each offense, be liable to a penalty not exceeding five dollars, to be sued for and recovered by said company, unless said defendant in any such suit shall prove on the trial that, at the time of the commission of such alleged offense, the toll-road of said plaintiff company was, at least in six different points or places in the course thereof, no two of which shall be less than a rod apart, not constructed and maintained in all respects as required by law, and such proof by the defendant in any such suit or action

Penalty for unlawful use of toll roads.

Roads affected
by act.

shall constitute a full and complete defense thereto. The provisions of this section shall apply to and affect the Pontiac and Birmingham Gravel Road Company; the Pontiac and Orchard Lake Gravel Road Company; the Pontiac and Rochester Gravel Road Company; the Alpine Plank Road Company; the Grand Rapids and Walker Plank Road Company; the Grandville Plank Road Company; the Reed Lake Avenue Plank Road Company; the Riverside Turnpike Company; and the Division Street Gravel Road Company; the Prairie Rounde Plank Road Company; the Detroit and Erin Plank Road Company; the Detroit and Birmingham Plank Road Company; the Detroit and Howell Plank Road Company; and the Bridge Street and Allendale Gravel Road Company.

Approved May 2, 1899.

[No. 187.]

AN ACT to provide for barring dower in lands by married women under the age of twenty-one years.

The People of the State of Michigan enact:

When women
may bar right
of dower.

SECTION 1. Any married woman residing within this State, having arrived at the age of eighteen years, may bar her right of dower in any estate conveyed or mortgaged by her husband, by joining in the deed of conveyance or mortgage and acknowledging the same as now required by law for the acknowledgments of deeds, and may do any other act concerning her rights in lands owned by her husband which she might do if she were twenty-one years of age.

Approved May 2, 1899.

[No. 188.]

AN ACT to provide for the taxation of inheritances, transfers of property by will, transfer of property by the intestate laws of this State or transfers of property by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor or intended to take effect in possession or enjoyment at or after such death.

The People of the State of Michigan enact:

SECTION 1. That after the passage of this act a tax shall be and is hereby imposed upon the transfer of any property, real or personal, of the value of five hundred dollars or over, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations not exempt by law from taxation on real or personal property, in the following cases: Property subject to tax.

First, When the transfer is by will or by the intestate laws of this State from any person dying seized or possessed of the property while a resident of this State. Cases cited.

Second, When the transfer is by will or intestate law of property within the State, and the decedent was a non-resident of the State at the time of his death. Idem.

Third, When the transfer is of property made by a resident or by a non-resident, when such non-resident's property is within this State by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor or intended to take effect, in possession or enjoyment at or after such death. Such tax shall also be imposed when any such person or corporation becomes beneficially entitled in possession or expectancy to any property or the income thereof by any such transfer, whether made before or after the passage of this act. Such tax shall be at the rate of five per cent upon the clear market value of such property, except as otherwise prescribed in the next section. Idem.

EXCEPTIONS AND LIMITATIONS.

SEC. 2. When the property or any beneficial interest therein passes by any such transfer to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of a son or the husband of a daughter, or to or for the use of any child or children adopted as such in conformity with the laws of this State, of the decedent, grantor, donor, or vendor, or to any person to whom any such decedent, grantor, donor or vendor for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, or to or for the use of any lineal descendant of such decedent, grantor, donor or vendor born in lawful wedlock, such transfer of property shall not be taxable under this act, unless it is personal property of the value of five thousand dollars or more, in which case it shall be taxable under this act at the rate of one per centum upon the clear market value of all such property in excess of five thousand dollars. Exceptions and limitations.

LIEN OF TAX AND PAYMENT THEREOF.

SEC. 3. Every such tax shall be and remain a lien upon the property transferred until paid, and the person to whom the property is so transferred, and the administrators, executors Tax a lien on property transferred.

To be paid to
county treas-
urer.

Duty of Auditor
General as to
receipts for
tax.

Proviso.

and trustees of every estate so transferred, shall be personally liable for such tax until its payment. The tax shall be paid to the treasurer of the county in which the probate court has jurisdiction as herein provided; and said treasurer shall give, and every executor, administrator, trustee or person shall take duplicate receipts from him of such payment, one of which he shall immediately send to the Auditor General, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof and to seal said receipts with the seal of his office and countersign the same and return it to the executor, administrator, trustee or person, whereupon it shall be a proper voucher in the settlement of his accounts; but no executor, administrator, trustee or other person shall be entitled to a final accounting of an estate in settlement of which a tax is due under the provisions of this act, unless he shall produce a receipt so sealed and countersigned by the county treasurer, or a copy thereof certified by him, or unless a bond shall have been filed as prescribed by section seven of this act. All taxes imposed by this act shall be due and payable at the time of the transfer: *Provided, however,* That taxes upon the transfer of any estate, property or interest therein limited, conditioned, dependent or determinable upon the happening of any contingency or future event by reason of which the fair market value thereof can not be ascertained at the time of the transfer as herein provided, shall accrue and become due and payable when the persons or corporations beneficially entitled thereto shall come into actual possession or enjoyment thereof.

DISCOUNT, INTEREST AND PENALTY.

Discount, when
given.

Interest charge,
when bond is
given.

SEC. 4. If such a tax is paid within six months from the accruing thereof, a discount of five per centum shall be allowed and deducted therefrom. If such tax is not paid within eighteen months from the accruing thereof, interest shall be charged and collected thereon at the rate of eight per centum per annum from the time tax accrued, unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax can not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed. In all cases when a bond shall be given under the provisions of section seven of this act, interest shall be charged at the rate of six per cent from the accrual of the tax until the date of the payment thereof.

COLLECTION OF TAX BY EXECUTORS, ADMINISTRATORS AND TRUSTEES.

SEC. 5. Every executor, administrator, trustee or other person shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of a testator or intestate. Any such administrator, executor, trustee or other person having in charge or in trust any legacy or property for distribution subject to such tax, shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this act to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor, trustee or other person and the tax shall remain a lien or charge on such real property until paid, and the payment thereof shall be enforced by the executor, administrator, trustee or other person in the same manner that payment of the legacy might be enforced, or by the prosecuting attorney under section fourteen of this act. If any such legacy shall be given in money to any such person for a limited period the administrator, executor, trustee or other person shall retain the tax upon the whole amount, but if not in money he shall make application to the court having jurisdiction of an accounting by him to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees and for such further order relative thereto as the case may require.

Property may be sold for taxes.

Administrator etc., to pay tax.

Legacy, when not to be delivered.

When legacy is in money, how treated.

REFUND OF TAX ERRONEOUSLY PAID.

SEC. 6. If any debts shall be proved against the estate of a decedent after the payment of any legacy or distributive share thereof from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be paid to him by the executor, administrator, trustee or other person if the tax has not been paid to the county treasurer or Auditor General or by such county treasurer or Auditor General if such tax has been paid to him. When any amount of said tax shall have been paid erroneously into the State treasury it shall be lawful for the Auditor General of this State, upon satisfactory proof presented to him of the facts, to require the amount of such erroneous or illegal payment to be refunded to the executor,

Erroneously paid tax, how refunded.

When Auditor General to refund tax.

Proviso.

administrator, trustee, person or persons who have paid any such tax in error from the treasury; or the said Auditor General may order direct and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes and credit himself with the same in his quarterly account rendered to the treasurer of this State under this act: *Provided, however,* That all applications for such refunding of erroneous taxes shall be made within five years from the payment thereof.

DEFERRED PAYMENT.

Deferred payment when bond required.

SEC. 7. Any person or corporation beneficially interested in any property chargeable with a tax under this act, and executors, administrators and trustees thereof, may elect within one year from the transfer thereof as herein provided, not to pay such tax until the person or persons beneficially interested therein shall come into the actual possession or enjoyment thereof. If it be personal property the person or persons so electing shall give a bond to the State in the penalty of three times the amount of such tax, with such sureties as the judge of probate of the proper county may approve, conditioned for the payment of such tax and interest thereon, at such time and period as the person or persons beneficially interested therein may come into the actual possession or enjoyment of such property, which bond shall be executed and filed and a full return of such property upon oath made to the probate court within one year, from the date of transfer thereof, as herein provided, and such bond must be renewed every five years.

Bond when renewed.

TAXES UPON DEVISES AND BEQUESTS IN LIEU OF COMMISSIONS.

Bequests to executors, etc., when subject to tax.

SEC. 8. If a testator bequests or devises property to one or more executors or trustees in lieu of their commissions or allowances, or make them his legatees to an amount exceeding the commission or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed or devised above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable under this act.

LIABILITY OF CERTAIN CORPORATIONS TO TAX.

Transfer by foreign executor, how taxed.

SEC. 9. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligation in this State standing in the name of a decedent, or in trust for decedent, liable to any such tax, the tax shall be paid to the treasurer of the

proper county on the transfer thereof. No safe deposit company, trust company, bank, or other institution, person or persons holding securities or assets of a decedent shall deliver or transfer the same to the executors, administrators, or legal representatives of said decedent unless notice of the time and place of such intended transfer be served upon the county treasurer at least five days prior to the said transfers. And it shall be lawful for the said county treasurer, personally or by representative, to examine said securities or assets at the time of such delivery or transfer. Failure to serve such notice or to allow such examination shall render said safe deposit company, trust company, bank or other institution, person or persons liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of this act.

Banks, trust companies, etc., duty of, liability.

JURISDICTION OF THE PROBATE COURT.

SEC. 10. The probate court of every county of this State having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this act or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of this act, and to do any act in relation thereto authorized by law to be done by a judge of probate in other matters or proceedings coming within his jurisdiction; and if two or more probate courts shall be entitled to exercise any such jurisdiction, the judge of probate first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other judge of probate. Every petition for ancillary letters testamentary or ancillary letters of administration shall set forth the name of the county treasurer as a person to be cited as therein prescribed, and a true and correct statement of all the decedent's property in this State and the value thereof; and upon the presentation thereof the judge of probate shall issue a citation directed to such county treasurer, and upon the return of the citation the judge of probate shall determine the amount of tax which may be or become due under the provisions of this act, and his decree awarding letters may contain any provision for the payment of such tax or the giving of security therefor, which might be made by such judge of probate if the county treasurer were a creditor of the decedent.

Probate judge to have jurisdiction.

Petition for letters of administration, etc., what to set forth.

APPOINTMENT OF APPRAISERS.

SEC. 11. The judge of probate, upon application of any interested party, including county treasurers, or upon his own motion, shall, as often as and whenever occasion may require, appoint a competent person as appraiser to fix the fair market value at the time of the transfer thereof, of property of per-

Appraiser, whom to appoint.

sons whose estate shall be subject to the payment of any tax imposed by this act. If the property upon the transfer of which a tax is imposed shall be an estate, income or interest for a term of years or for life, or determinable upon any future or contingent estate, or shall be a remainder or reversion or other expectancy, real or personal, the entire property or fund by which such estate, income or interest is supported, or of which it is a part, shall be appraised immediately after such transfer, or as soon thereafter as may be practicable, at the fair and clear market value thereof at that time: *Provided, however,* That when such estate, income or interest shall be of such a nature that its fair and clear market value cannot be ascertained at such time, it shall be appraised in like manner at the time when such value first became ascertainable. The value of every future or contingent or limited estate, income, interest or annuity dependent upon any life or lives in being shall be determined by the rule, method and standard mortality, and value employed by the commissioners of insurance in ascertaining the value of policies of life insurance companies except that the rate of interest for computing the present value of all future and contingent interests or estates shall be five per centum per annum.

Proviso,

Value of legacy
how deter-
mined.

PROCEEDINGS BY APPRAISERS.

Proceedings of
appraisers.

SEC. 12. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the county treasurer, and to such persons as the judge of probate may by order direct, of the time and place when he will appraise the property. He shall at such time and place, appraise the same at its fair market value, as herein prescribed and for that purpose said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing to said judge of probate, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as said judge of probate may order or require. Every appraiser shall be paid on the certificate of the judge of probate at the rate of three dollars per day for every day actually and necessarily employed in such appraisal and his actual and necessary traveling expenses and the fees paid such witnesses, which fees shall be the same as those now paid to witnesses subpoenaed to attend the court of record, by the county treasurer out of any funds he may have in his hands on account of any tax imposed under the provisions of this act.

Compensation.

DETERMINATION BY JUDGE OF PROBATE.

SEC. 13. The report of the appraiser shall be filed in the office of the judge of probate, and from such report and other proof relating to any such estate before the judge of probate, the judge of probate shall forthwith as of course determine the cash value of all estates and the amount of tax to which the same are liable; or, the judge of probate may so determine the cash value of all such estates and amount of tax to which the same are liable without appointing an appraiser. The Commissioner of Insurance shall, on the application of any judge of probate, determine the value of any such future or contingent estates, income or interest limited, contingent, dependent or determinable upon the life or lives of persons in being upon the facts contained in any such appraiser's report, and certify the same to the judge of probate, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. Any person dissatisfied with the appraisement or assessment and determination of tax, may appeal therefrom to the judge of probate within sixty days from the fixing, assessing and determination of tax by the judge of probate as herein provided, upon filing in the office of the judge of probate a written notice of appeal, which shall state the grounds upon which the appeal is taken. The judge of probate shall immediately give notice, upon the determination by him as to the value of any estate which is taxable under this act, and of the tax to which it is liable, to all parties known to be interested therein.

Cash value of estates, how determined.

Commissioner of Insurance, when to determine value on certain estates.

Proceeding upon appeal from appraisement.

PROCEEDINGS FOR THE COLLECTION OF TAXES.

SEC. 14. If the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act after the refusal or neglect of the persons liable therefor to pay the same, he shall notify the prosecuting attorney of the county in writing of such failure or neglect and such prosecuting attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the probate court for a citation citing the persons liable to pay such tax to appear before the court on the day specified, not more than three months after the date of such citation, and show cause why the tax should not be paid. The judge of probate, upon such application, and whenever it shall appear to him that any such tax accruing under this act has not been paid as required by law, shall issue such citation, and the service of such citation, and the time, manner and proof thereof and the hearing and determination thereon and the enforcement of the determination or order made by the judge of probate shall conform to the provisions of the practice of the probate court, in like cases made and provided for the service of citations out of the probate court, and the hearing and determination thereon and its enforce-

Unpaid tax, how collected.

When judge of probate, to issue citation.

ment, so far as the same may be applicable. The judge of probate or the probate clerk or register shall upon the request of the prosecuting attorney or treasurer of the county, furnish one or more transcripts of such decree, which shall be docketed and filed by the county clerk of any county of the State without fee, in the same manner and with the same effect as provided by law for filing and docketing transcripts, judgments and decrees of circuit courts in this State. Such costs shall be fixed by the judge of probate in his own discretion but shall not exceed in any case where there has not been a contest, the sum of one hundred dollars, or where there has been a contest, the sum of two hundred and fifty dollars. Whenever the probate judge shall certify that there was probable cause for issuing a citation and taking the proceedings specified in this section, the Auditor General shall pay or allow to the treasurer of the county all expenses incurred for the service of citations and other lawful disbursements not otherwise paid. In proceedings to which any county treasurer is cited as a party under sections eleven and twelve of this act, the Auditor General is authorized to designate and retain counsel to represent such county treasurer therein, and to direct such county treasurer to pay the expenses thereby incurred, out of the funds which may be in his hands on account of this tax.

(RECEIPT) RECEIPTS FROM THE COUNTY TREASURER.

Treasurer to give receipts, what to designate.

SEC. 15. Any person shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or, at his option, to a copy of a receipt that may have been given by such treasurer for the payment of any tax under this act under the official seal of such treasurer, which receipt shall designate upon what real property, if any of which any decedent may have died seized, such tax shall have been paid, by whom paid, and whether in full of such tax. Such receipts may be recorded in the office of the register of deeds of the county in which such property is situated, in a book to be kept by him for that purpose, which shall be labeled "transfer tax."

FEES FOR COUNTY TREASURER.

Fees of county treasurer.

SEC. 16. The treasurer of each county shall be allowed to retain on all taxes paid and accounted for by him each year, under this act one per centum. Such fees shall be in addition to the fees now allowed by law to such officers.

BOOKS AND FORMS TO BE FURNISHED BY THE AUDITOR
GENERAL.

SEC. 17. The Auditor General shall furnish to each judge of probate a book, which shall be a public record, and in which he shall enter the name of every decedent, upon whose estate letters of administration, or letters testamentary, or ancillary letters have been issued, the date and the place of death and former residence of such decedent, the estimated value of his real and personal property, the names, places, residences and relationship to him of his heirs at law, the names and places of residences of the legatees and devisees in any will of any such decedent, the amount of each legacy, and the established value of any real property devised therein, and to whom devised when from the records of the court or the testimony given there appears to be property in such estate liable to tax under this act. These entries shall be made from the data contained in the papers filed on any such application, or in any proceedings relating to the estate of the decedent. The judge of probate shall also enter in such book the amount of the personal property of any such decedent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by him under this act, and the value of annuities, life estates, terms of years and other property of any such decedent or given by him in his will and otherwise, as fixed by the judge of probate and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this act filed with him. The Auditor General shall also furnish to each judge of probate forms for the reports to be made by such judge of probate, which shall correspond with the entries to be made in such book.

Records, what to contain.

Entries, from what made.

Auditor General to furnish forms for reports.

REPORTS OF PROBATE JUDGE AND REGISTER OF DEEDS.

SEC. 18. Each judge of probate shall, on January, April, July and October first, of each year, make a report in duplicate upon forms furnished by the Auditor General, containing all the data and matters required to be entered in such book, one of which shall be immediately delivered to the county treasurer and the other transmitted to the Auditor General. The register of deeds of each county shall at the same time make reports in duplicate, containing a statement of any deed or other conveyance filed or recorded in his office of any property, which appears to have been made or intended to take effect in possession or enjoyment after the death of the grantor or vendor, the name and place of the residence of such grantor or vendor, the name and place of residence of the grantee or vendee and a description of the property transferred, one of which duplicates shall be immediately delivered to the county treasurer, and the other transmitted to the Auditor General.

Probate judges and registers of deeds to make reports where filed.

Register of deeds to make reports in duplicate.

Where filed.

REPORTS OF COUNTY TREASURER.

When county
treasurer to
make reports,
form of, etc.

Tax to be paid
to State
Treasurer.

Interest, when
to be paid.

SEC. 19. Each county treasurer shall make a report under oath to the Auditor General on January, April, July and October first of each year, of all taxes received by him under this act, stating for what estate and by whom and when paid. The form of such report may be prescribed by the Auditor General. He shall at the same time pay the State Treasurer all taxes received by him under this act, and not previously paid into the State treasury, and for all such taxes collected by him and not paid into the State treasury within thirty days from the times herein required, he shall pay interest at the rate of eight per cent per annum.

APPLICATION OF TAXES.

Taxes, how
applied.

SEC. 20. All taxes levied and collected under this act shall be paid into the State treasury, and be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such taxes shall be added to and constitute a part of the primary school interest fund, in pursuance of and in compliance with section one of article fourteen of the constitution of this State.

DEFINITIONS.

"Estate"
"property,"
how defined.

"Transfer,"
definition of.

SEC. 21. The words "estate" and "property" as used in this act shall be taken to mean the property or interest therein of the testator, intestate, grantor, bargainor, or vendor, passing or transferred to those not herein specifically exempted from the provisions of this act, and not as the property or interest therein passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, or vendees and shall include all property or interest therein whether situated within or without this State, over which this State has any jurisdiction for the purposes of taxation. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein in possession or enjoyment, present or future by inheritance, descent, devise, bequest, grant, deed, bargain, sale or gift, in the manner herein prescribed. The words "county treasurer" and "prosecuting attorney" as used in this act shall be taken to mean treasurer or prosecuting attorney of the county having jurisdiction as provided in section ten of this act.

Approved May 2, 1899.

[No. 189.]

AN ACT to amend section one of chapter ninety-four of the revised statutes of eighteen hundred forty-six, entitled "Of criminal proceedings before Justices of the Peace," the same being section one thousand and nineteen of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of chapter ninety-four of the Revised Statutes of eighteen hundred forty-six, entitled "Of criminal proceedings before justices of the peace," the same being section one thousand and nineteen of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

(1019) SECTION 1. Any justice of the peace shall have power to hold a court subject to the provisions hereinafter contained, to hear and determine charges for offenses arising within their respective counties, as follows:

1. All cases of larceny, not charged as a second offense, when the value of the property stolen shall not exceed twenty-five dollars.

Power and jurisdiction of justices of the peace in criminal cases.

2. Cases of assault and battery, not charged to have been committed riotously, or upon any public officer in the execution of his duties, or with intent to commit any other offense.

Larceny.

Assault and battery.

3. Charges for wilfully destroying, removing, injuring or defacing any mile-stone or mile-board, or injuring or defacing any inscription or device upon any guide-post or guide-board on any highway, or removing, destroying or injuring any guide-post or guide-board.

Destroying guide post, etc.

4. Charges for wilfully and maliciously killing, maiming or disfiguring any horses, cattle or other beast of another person, or for wilfully and maliciously destroying or injuring the personal property of another, by any other means, where the value of the beast killed, or the injury done, shall not exceed twenty-five dollars.

Maiming animals.

5. Charges for wilfully and maliciously breaking down, injuring, removing or destroying any monument erected for the purpose of designating the boundaries of any township, or any tract or lot of land, or any tree marked for that purpose, or for wilfully and maliciously marring or defacing any building or any sign-board; or wilfully and maliciously extinguishing any lamp, or breaking, destroying, or removing any lamp, or any lamp-post, or any railing or post erected on any bridge, sidewalk, street, highway, court or passage.

Removing monument, etc.

6. Charges against any person for wilfully committing any trespass, by cutting down or destroying any timber or wood, standing or growing on the land of another, or by carrying away any kind of timber or wood, cut down or lying on such land; or by digging up or carrying away any stone, ore, gravel,

Trespass by cutting wood, etc.

clay, sand, turf or mould from such land, or any roots, fruit or plant there being, or by cutting down or carrying away any grass, hay, or any kind of grain standing, growing, or being on such land, or by carrying away from any wharf or landing place any goods whatever in which he has no interest, of the value of five dollars or more.

Idem. 7. Charges against any person for wilfully committing any trespass by entering upon the garden or orchard, or other improved land of another, without permission of the owner thereof, with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being.

Limitation of fine, etc. 8. And all other offenses punishable by fine not exceeding one hundred dollars, or punishable by imprisonment in the county jail not exceeding three months, or punishable by both said fine and imprisonment: *Provided*, That whenever, in any criminal case, tried before any justice of the peace, the defendant shall be adjudged guilty and punishment by fine or imprisonment shall be imposed in excess of that allowed by law, the judgment shall not for that reason alone be adjudged altogether void nor be wholly reversed and annulled, but the same shall be valid and effectual to the extent of the lawful penalty, and shall be reversed and annulled only in respect to the unlawful excess.

Proviso.

Approved May 2, 1899.

[No. 190.]

AN ACT to amend section one of chapter six of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, the same being compiler's section five thousand one hundred three of Howell's Annotated Statutes, and section number four thousand seven hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven, relative to the bonded indebtedness of school districts.

The People of the State of Michigan enact:

Section amended.

SECTION 1. Section one of chapter six of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, the same being compiler's section five thousand one hundred three of Howell's Annotated Statutes, and section four thousand seven hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven, relative to the bonded indebtedness of school districts, is hereby amended to read as follows.

SECTION 1. The People of the State of Michigan enact: That any school district may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or at a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school house site or sites, and to erect and furnish school buildings as follows: Districts having less than thirty children between five and twenty years of age may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having forty children of like age may have an indebtedness not to exceed seven hundred fifty dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having seventy-five children of like age may have an indebtedness not to exceed two thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having one hundred twenty-five children of like age, and with an assessed valuation of not less than one hundred fifty thousand dollars, may have an indebtedness not to exceed five thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars; and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this section the director, assessor, and one person appointed by the district board shall constitute a board of inspection, who shall cause a poll list to be kept and a suitable ballot-box to be used, which shall be kept open two hours. The vote shall be by ballot, either printed or written, or partly printed and partly written, and the canvass of the same shall be conducted in the same manner as to township elections or as the laws governing the same are applicable; and when they are not, the board of inspectors shall prescribe the manner in which canvass shall be conducted.

Districts may borrow money and issue bonds.

Amount limited.

Proviso. Further proviso.

Votes how canvassed, etc.

Approved May 10, 1899.

[No. 191.]

AN ACT to protect the professional title and degrees of veterinary surgeon, doctor of veterinary medicine and surgery, and veterinarian, and their abbreviations, and to restrict the use of such titles and their abbreviations to regular graduates of recognized colleges or schools of veterinary medicine and surgery and those having passed a satisfactory examination before a State Veterinary Board; to create a State Veterinary Board for registration of veterinary surgeons, doctors of veterinary medicine and surgery, and veterinarians.

The People of the State of Michigan enact:

State veterinary board, qualifications of.

SECTION 1. That the Governor of the State of Michigan shall appoint a State Veterinary Board, consisting of three members, who shall be residents of this State, citizens of the United States and graduates of a regular college of veterinary medicine and surgery, no two of whom shall be graduates of the same college, who have been in the practice of their profession at least three years previous to their appointment. The members of such board shall hold office for a term of three years from the date of their appointment and until their successors are appointed and qualified, except that the first appointment shall be for one, two and three years respectively.

Term of office.

Meetings when and where held.

SEC. 2. The members of such board shall meet at Lansing, in this State, on the first Tuesday after the first Monday of February and August of each year; they shall organize by the election of a chairman, secretary and treasurer; the secretary may be elected treasurer; the treasurer shall give such bonds as the board shall determine; and said board shall from time to time during the year provide and furnish to said secretary a list of all regular colleges and schools of veterinary medicine and surgery having a course of not less than two years, with sessions of at least six months in each year.

Persons desiring to use the term "veterinary" to obtain certificate.

SEC. 3. Any person not an alien desiring to use the term "Veterinary surgeon," "Doctor of veterinary medicine and surgery" or "Veterinarian," or their abbreviations, or degrees conferred in connection therewith, in connection with his name, profession, occupation, business or practice, shall, before doing so, apply to and receive from the State Veterinary Board a certificate properly made by the secretary thereof to the effect that the applicant has furnished satisfactory proofs of his identity and qualification and that he is the lawful and regular possessor of a diploma from a regular veterinary college or school, within the meaning of this act, and that such diploma was issued by such college or school directly to him; that he has paid the secretary his fee for making such certificate, and has in all other respects fully complied with the requirements of this act: *Provided*, That any person not a graduate from a college or school, within the meaning of this

Proviso as to examination.

act, may appear before said board and submit to an examination as to his fitness to practice veterinary medicine and surgery, and upon passing an examination upon the subjects of anatomy, physiology, veterinary materia [materia] medica and pathology, with an average of not less than seventy-five per cent upon all questions proposed by said board, shall receive from the secretary of said board a certificate setting forth the fact that he has passed the examination and is entitled to register as a veterinary surgeon, doctor of veterinary medicine and surgery, or veterinarian, under the provisions of this act.

SEC. 4. At any time within six months from the date of the issuance of the certificate of the secretary of said board, the person to whom it was issued shall present the same to the clerk of the county in which he resides for registration and, upon the recording of said certificate and payment of fees provided for in this act, the county clerk shall deliver to him a certificate to the effect that he is regularly registered in this State under this act.

County clerk to register and issue certificate.

SEC. 5. No person who has failed or neglected to obtain a certificate from the county clerk, as provided in this act, shall be entitled to use or append to his name the term "Veterinary surgeon," "Doctor of veterinary medicine and surgery," or "Veterinarian," or any title, name, abbreviation, degree or description implying or calculated to lead people to infer that he is a regular registered practitioner under this act.

Persons not to use title, etc.

SEC. 6. Any person who wilfully or falsely pretends to be a regularly registered practitioner under this act, or who wilfully or falsely states or uses any name, title, abbreviation, degree or description implying or calculated to lead people to infer that he is a regularly registered practitioner hereinunder, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than fifty dollars, or imprisonment in the county jail for not less than ten days nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Violation a misdemeanor.

Penalty.

SEC. 7. The members of the State Veterinary Board shall not be entitled to receive any salary, fee or compensation from the State or any county for their services as such members. The secretary of said board shall charge and receive from each applicant a fee of three dollars for making and issuing the certificate mentioned in section three of this act, to be paid into a general fund for the expense of the board and services of the secretary.

Board not to receive compensation.

Fee for certificate.

SEC. 8. The county clerk of any county, when registering, recording and making the certificates, as contemplated in section four of this act, shall be entitled to demand and receive a fee of fifty cents therefor.

County clerk's fee.

SEC. 9. All persons who are graduates of regular colleges or schools of veterinary medicine and surgery, within the meaning of this act, or who are employing or using any name, term,

Graduates to apply for registration.

degree, abbreviation or description as contemplated in this act, shall, within three months of the date of the appointment of the State Veterinary board, make application for registration or examination before the State Veterinary Board as herein provided, and after such time, no person, unless regularly registered, shall employ any such name, term, degree, abbreviation or description in connection with the practice of veterinary medicine and surgery and its branches.

Board when
appointed, first
meeting, etc.

SEC. 10. The first State Veterinary Board under this act shall be appointed by the Governor immediately after this act takes effect, and the first meeting of such board shall be held not less than three months after such appointment, and notice of such meeting shall be advertised in a Lansing newspaper, a Detroit newspaper and a Grand Rapids newspaper.

Address of
secretary where
filed.

SEC. 11. The permanent address of the secretary of said board shall be kept on file in the office of the Secretary of State.

Application
of act.

SEC. 12. Nothing in this act shall prohibit any person from treating any domestic animal, and only applies to the use of the professional title and degrees, or their abbreviations, as hereinbefore provided.

Approved May 10, 1899.

[No. 192.]

AN ACT to prohibit the adulteration of any Ground Grain or Feed, by the use of Oat Hulls.

The People of the State of Michigan enact:

Unlawful to
have in posses-
sion adulter-
ated feed.

SECTION 1. That no person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell any ground grain or feed adulterated with oat hulls.

Violation a
misdemeanor.

SEC. 2. Any person who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

Penalty.

Approved May 10, 1899.

[No. 193.]

AN ACT to amend sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred and sixty-seven, as amended by the several acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. That sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred sixty-seven, as amended by the several acts amendatory thereof, being compiler's sections five thousand eight hundred ninety-seven and five thousand eight hundred ninety-eight of the compiled laws of eighteen hundred ninety-seven be and the same are hereby amended so as to read as follows:

SECTION 1. Any member of either of the following boards, and any of the following named officers or persons, to-wit: The board of health of any city, village or township, the common council of any city, board of trustees of any village, any board or officer having the direction, management, charge or control, in whole or in part, of any prison, house of correction, workhouse, jail or lockup, founded or supported in whole or in part at public expense, having in his or their possession or control, the dead body of any person not claimed by any relative or legal representative; or the county superintendent of the poor, keepers of poorhouses and almshouses, any physician or other person in charge of any poorhouse or almhouse, or charitable institution, sheriff or coroners, having in his or their possession or control the dead body of any person not claimed by any relative, personal friend or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institutions or the dead body of any convict who died in prison under sentence of murder or attempt to murder, shall deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, to the express or railway company at the nearest railway station, placed in a plain coffin, and enclosed in a strong box, securely fastened and plainly directed to the "Demonstrator of Anatomy of the University of Michigan, Ann Arbor, Michigan," excepting only the dead bodies of such persons as shall have died with small-pox [diphtheria], diphtheria or scarlet fever: *And provided,* That in the county of Wayne the dead bodies hereinbefore described, shall be sent, in the same manner and under the same restrictions as those sent to the demonstrator of anatomy of

Sections amended.

Provision for furnishing university with certain subjects for dissection.

Bodies of convicts, certain, how disposed of.

Proviso as to counties of Wayne and Saginaw.

the University of Michigan, either to the demonstrator of anatomy of the Detroit College of Medicine, or to the demonstrator of anatomy of the Michigan College of Medicine and Surgery, and the dead bodies hereinbefore described, found in the county of Saginaw, shall be sent or delivered, under the like restrictions as to those sent to the University of Michigan at Ann Arbor, to the demonstrator of anatomy of the Saginaw Valley Medical College, Saginaw, Michigan: *And provided*, That, in the county of Kent, the bodies hereinbefore described, be in like manner sent to the demonstrator of anatomy in the Grand Rapids Medical College in Grand Rapids, Michigan. And such boards, common councils, officers or other persons making such shipment or delivery, shall, as the case may be, take the usual shipping receipt or a fully particularized receipt for such package and shall notify the consignee of such shipment or by letter mailed on the day the package is so delivered to the express or delivery, by letter mailed on the day the package is so delivered to the express or railway company as aforesaid, or within the counties of Wayne, Kent and Saginaw, delivered concurrently by messenger or otherwise with the delivery of such package, and shall also enclose in such letter a statement giving, as nearly as can be ascertained, the name, age, residence and cause of death of such deceased person, whose body has been shipped or is being delivered as aforesaid; and also a statement of the costs and expenses which have been incurred in the procuring of the coffin, box, preparation of the body for shipment or delivery, as the case may be, and the shipping or delivery of the same, and upon the receipt of package so shipped to him, the demonstrator of anatomy of the University of the State of Michigan shall immediately forward to such officer, board, council or institution, or person or persons making such shipment or incurring such expenses, the amount thereof, not exceeding in any case the sum of fifteen dollars. Upon the receipt of a package so delivered to him, the demonstrator of anatomy of the Detroit College of Medicine, or of the Michigan College of Medicine and Surgery, or of the Saginaw Valley Medical College, or the Grand Rapids Medical College, as the case may be, shall immediately forward to such officer, board, council or institution, or person or persons making such a delivery, or incurring such expenses, the amount thereof not exceeding in any case the sum of seven dollars: *Provided*, Such dead body shall not be shipped or delivered as aforesaid, if it shall be requested, in good faith, for interment by any relative before the same shall have been delivered as aforesaid, and in case the dead body of any person so delivered or so shipped aforesaid be subsequently claimed or demanded by either of said demonstrators of anatomy, or of any other person or institution, into whose possession or under whose control it may have been placed by virtue of the provisions of the law, by any relative or legal representative of such deceased persons

Proviso as to county of Kent.

Officers making shipment to take receipt, etc.

Statement of cost and expense to university.

Cost of bodies to certain institutions.

Proviso as to claim of body by relatives.

for private interment, it shall be given up to such claimant, even after the same shall have been interred as hereinafter provided, after they shall have paid the actual expenses incurred and paid by the demonstrator of anatomy, or by any person or institution into whose possession or under whose control it may have been placed by virtue of the provisions of this act. Such bodies shall be used only for the purposes hereinafter mentioned, and shall then, in all cases, be interred in some suitable place kept for that purpose, and a correct record shall be kept of every such body; and all matters by which such body may be identified, coming to the knowledge of the person or officer at any time in charge of such bodies, shall be faithfully recorded at length in a book kept for that purpose, to the end that the same may at any time be traced and discovered by the friends and relatives of such deceased person: *And provided further*, That the institution, board, council, officer or person aforesaid, shall, immediately after the death of such person notify, if possible, by telegraph, or otherwise by letter, one or more of the nearest known relatives of such deceased person, of the death of such person; and in no other case shall the body of such deceased person be shipped or delivered, as aforesaid, until after the expiration of twenty-four hours from death. And every individual, officer or party violating any of the provisions of this section, shall be deemed guilty of a misdemeanor.

Record to be kept.

Proviso as to duties of officer, etc., in charge of body.

Violation a misdemeanor.

SEC. 2. The bodies so shipped or delivered, as aforesaid, shall be used for the advancement of anatomical science in this State in the following institutions of learning only, viz.: The University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery, the Saginaw Valley Medical College and the Grand Rapids Medical College. And the said bodies shall be distributed to and among the same equitably, and, as far as possible, in the order in which they are received, and the number assigned to each by the said demonstrator of anatomy shall be proportional to that of its students of anatomy in actual attendance, and to this end the said demonstrator of anatomy shall, within ten days after the opening of the scholastic year of each of said institutions, ascertain from the dean or other executive officer of said institutions the number of students of anatomy in actual attendance in the said respective institutions. And the said demonstrators of anatomy shall, upon ascertaining the number of students of anatomy in actual attendance in said institutions, each notifying the other in writing of the information thus obtained; and at any time thereafter, upon the written request of either of said demonstrators of anatomy, delivered or mailed to the others, the said demonstrators of anatomy shall ascertain and inform each other in writing, of the number of students of anatomy in actual attendance in the said institutions to the end that at all times the distribution of said bodies may be equitable and proportionable to the number

Purposes for which bodies are to be used.

To be distributed equitably.

Demonstrators to inform each other as to number of anatomical students.

of students of anatomy in actual attendance in the said institutions. And in order to procure a fair and proportionable distribution of bodies in quality as well as in quantity, each demonstrator of such institutions, may throw out any body which, when received shall, in his opinion, be unfit and worthless for the advancement of anatomical science, and shall not count such body as anatomical material when received, but on his request to the other demonstrators, or to any one of them, shall be supplied by such demonstrator applied to with the proportionate number of good bodies, fit for use for the necessary instruction. And the demonstrators of anatomy of the aforesaid institutions shall each make annually, in the last week of the month of June, a sworn statement of the actual expenses borne and incurred by him under the provisions of this act. And from such statements the total cost of the anatomical material received shall be ascertained by a board consisting of all of said demonstrators, and shall be apportioned and paid by such institutions in proportion to the number of bodies used by each of said institutions: *Provided however*, That either of the said demonstrators of anatomy, upon the receipt of every body under and by virtue of the provisions of this act, shall cause the same to be embalmed or put in a state of preservation, and shall not permit the same to be delivered to any of said institutions for the purpose of dissection, until the same shall have been in his possession at least ten days. And it shall be the duty of the said demonstrator of anatomy of the University of Michigan and the said demonstrator of anatomy of the Detroit College of Medicine, the said demonstrator of anatomy of the Saginaw Valley Medical College, and the Grand Rapids Medical College, upon the receipt of any body under the provisions of this act, to immediately notify the relatives of such deceased person, if known, of the receipt of such body, either by mail or telegraph, as he may deem best, and that said body will be preserved intact for the space of ten days, in which time said relative will be entitled to said body for the purpose of interment, and shall pay such expenses the demonstrator of anatomy, in whose possession or under whose control the said body may be shall deliver to such relative or legal representative, the said body, together with the said coffin and box enclosing the same. But in case said body shall not be requested by such relatives until after the same shall have been applied to the purposes intended the remains thereof, together with the coffin and box aforesaid, shall be delivered without charge: *Provided*, That the University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery, and the Saginaw Valley Medical College and the Grand Rapids Medical College, aforesaid, and each and every other medical institution, shall not receive into their possession any bodies procured in this State other than those provided for by the provisions of this

Demonstrators
to make annual
statement of
expense.

Cost of anatom-
ical material to
be apportioned.

Proviso as to
notifying
relatives.

Proviso.

act. And every individual or party violating the provisions of this section shall be deemed guilty of a misdemeanor. Violation, a misdemeanor.

SEC. 2. [3.] All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

Approved May 10, 1899.

[No. 194.]

AN ACT to amend section nine of act number fifty-two of the Public Acts of eighteen hundred ninety-seven, entitled, "An act authorizing the incorporation of Homes for Aged, Infirm or Indigent men or women," approved March twenty-six, eighteen hundred ninety-seven, being section eight thousand, two hundred seventy-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section nine of act number fifty-two of the public acts of eighteen hundred ninety-seven, entitled "An act authorizing the incorporation of homes for aged, infirm or indigent men or women," approved March twenty-six, eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 9. Each director of any corporation organized under this act shall, before entering upon the discharge of the duties of his said office, make and file with the judge of probate of the county where said home or proposed home is or is to be located, an affidavit, that he is worth in unencumbered property, not exempt from execution under the laws of this State, the sum of two thousand dollars after the payment of all just debts, claims and liabilities; and each of the other officers of said corporation shall, before entering upon the discharge of the duties of his office, execute a bond, with good and sufficient surety or sureties, to be approved by the probate judge of the aforesaid county. the penal sum whereof shall be fixed by the board of directors of said home or proposed home, and which shall in no case be less than twice the amount of property of said home that shall at any time be in his hands or under his control as such officer. The board of directors of said home or proposed home may at any time require of said officer any other or further bond or security which they may deem proper, and if at any time said officer, shall neglect or refuse to furnish such other or further security, as aforesaid, his office may be declared vacant by the said board of directors. Director, where to file affidavit.

Approved May 10, 1899.

[No. 195.]

AN ACT to provide for the filing of a copy of the minutes made by surveyors or civil engineers in the subdivision of all lands within the State.

The People of the State of Michigan enact:

Surveyors to file
certified
minutes.

SECTION 1. Hereafter all county surveyors employed to make a survey of any parcel of land, or any division or subdivision of land in accordance with the provisions of sections two thousand six hundred seventeen to two thousand six hundred twenty-eight inclusive, of the compiled laws of eighteen hundred ninety-seven, shall within thirty days after said survey shall have been completed, file with the register of deeds of the county wherein such survey shall have been made, a full and true copy of the minutes of such survey, duly certified by him, which minutes shall give the magnetic variation at the initial point of the survey.

Copy of survey
to be dated.

SEC. 2. Each any every copy of survey so made, filed and certified to shall bear the date when the survey was made and for whom it was made.

Fee for making
copy.

SEC. 3. The surveyor making such survey and copy thereof shall be allowed the sum of one dollar for each separate and complete copy, to be paid by the person or persons employing him to make the survey.

When not
necessary to
file copy.

SEC. 4. It shall not be necessary or required of any such surveyor to file a copy of his minutes in the establishing of lines or points, stakes or other marks which may have been heretofore established and recorded, unless he make a change from the lines or points, stakes or other marks as appear in the original minutes of such surveys or subdivision of land, and shall not apply to the establishing or correction of any lot, plat or addition which may have been heretofore recorded.

Register of
deeds to keep
records.

SEC. 5. It shall be the duty of the register of deeds to keep suitable books for the recording of the minutes of surveys, as required by this act. He shall, upon the receipt of such copy of survey, copy the same into said book or books, affixing the date when copied, and safely keep the same in his office for the use of the public, and shall be allowed the sum of fifty cents for each separate and complete copy so copied by him, to be paid by the surveyor making the survey and filing the same. Thereafter such copy of such minutes and the record thereof, or a copy thereof, duly certified by the register of deeds, shall have the same force and effect as evidence, as the certificate of such surveyor or his deputies, provided for by section two thousand six hundred nineteen of the compiled laws of eighteen hundred ninety-seven.

Fee for record-
ing copy.

Violation of
act, a mis-
demeanor.

SEC. 6. Any such surveyor who shall refuse or neglect to file a copy of his minutes of surveys as required by this act shall be deemed guilty of a misdemeanor, and shall, upon con-

viction thereof in any court of competent jurisdiction, be fined Penalty. not less than ten dollars nor more than fifty dollars, or imprisoned in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment, in the discretion of the court.

Approved May 10, 1899.

[No. 196.]

AN ACT to amend section three of act number one hundred fifty-one of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the catching of Fish in the waters of this State by the use of pound or trap nets, gill nets, seines or other apparatus," being section five thousand eight hundred forty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section three of act number one hundred fifty-one of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the catching of fish in the waters of this State, by the use of pound or trap nets, gill nets, seines or other apparatus," being section five thousand eight hundred forty-six of the compiled laws of eighteen hundred ninety-seven be and the same is hereby amended so as to read as follows: Section amended.

SEC. 3. It shall be unlawful for any person to fish with any kind of net whatever in the waters of this State from the thirtieth day of October to the fifteenth day of December: Close season, for fishing with nets.
Provided, That if by stress of weather any person engaged in fishing in the waters of this State shall be unable to lift his nets during the last days of the open season, it shall be lawful for such person to lift said nets within three days after the close of the open season in any year, except in that portion of Lake Erie bordering on Monroe county, in which the close season shall be from November fifteenth to December first: Proviso as to lifting nets.
Provided however, Two and one fourth inch mesh in pots for the purpose of catching herring and other rough fish in any vicinity where it will not interfere with or catch immature whitefish or lake trout, may be used from April first to July fifteenth and from September first to December fifteenth except as provided by section four of act number sixtythree of the public acts of eighteen hundred eighty-five, being an act entitled "An act to establish a State Board of Fish Commis- Close season, in certain waters bordering Monroe county. Proviso as to catching rough fish.

sioners, and to repeal act number one hundred twenty-four, session laws of eighteen hundred seventy-three, act number seventy-one, session laws of eighteen hundred seventy-five and act number three, session laws of eighteen hundred eighty-two," approved April twenty-eighth, eighteen hundred eighty-five.

Approved May 10, 1899.

[No. 197.]

AN ACT to provide for the Levy and Sale upon Execution of certain property.

The People of the State of Michigan enact:

Abstract books,
etc., subject to
sale on execu-
tion.

SECTION 1. That from and after the passage of this act, all abstract books, maps, plats, charts and other records owned or kept by any person, co-partnership or corporation for the purpose of furnishing abstracts or information concerning the title to lands in this State shall be liable to seizure and sale on execution in like manner as other personal property.

Approved May 10, 1899.

[No. 198.]

AN ACT to amend section two of act number three hundred three of the public acts of eighteen hundred eighty-seven, entitled "An act to protect Primary Elections and Conventions of Political Parties and to Punish Offenses committed thereat," the same being section nine thousand three hundred eighty-six b of Howell's Annotated Statutes of the State of Michigan.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of act number three hundred three of the public acts of eighteen hundred eighty-seven, entitled "An act to protect primary elections and conventions of political parties and to punish offenses committed thereat," the same being section nine thousand three hundred eighty-six b of Howell's Annotated Statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

Oath of inspec-
tors, etc., who to
administer.

SEC. 2. The presiding officer and inspectors at any such election shall, before entering upon their duties, severally sign and swear to an oath in the form now required of inspectors at general elections, said oath to be taken before the clerk of

the township, village or city in which such election is held, or an alderman of the ward in which said election is held, or any notary public, or any other person qualified under the State to administer an oath. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty, to administer an oath to such person and to any other persons offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote. He may then be examined as to such qualifications and right to vote. If he shall swear to the necessary qualifications of a voter, as prescribed by the regulations of the association or political organization holding the primary or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter he shall be deemed guilty of perjury, and shall on conviction, be punished as now prescribed by law for the crime of perjury.

Challenge of voters.

Who to administer oath.

When vote to be received.

Penalty for false swearing.

Approved May 10, 1899.

[No. 199.]

AN ACT regulating the practice in Courts held by Justices of the Peace in suits brought against two or more defendants.

The People of the State of Michigan enact:

SECTION 1. That when an action is brought in justice court against two or more defendants, the plaintiff shall, at any time before the final submission of the case, be allowed to discontinue as against any of the defendants upon payment of costs to them, as in case of non-suit and upon such other terms as the justice before whom the cause is pending shall direct. And the plaintiff may thereupon amend his declaration and proceed against the other defendant or defendants in like manner as if the action had originally been brought against them alone. But in case an action is brought against two or more defendants, the plaintiff shall not be required to discontinue as to any of them, but the jury shall show by their verdict, or the justice by his finding, in a trial by the justice without a jury, which of them are and which are not liable to the plaintiff, and judgment shall be given accordingly.

Action against two or more defendants.

Plaintiff may amend declaration.

Jury to show who liable.

Approved May 10, 1899.

[No. 200.]

AN ACT to amend sections one hundred eleven and one hundred eighteen of chapter ninety of the revised statutes of eighteen hundred forty-six, relative to process and proceedings of Circuit Courts in Chancery upon bills for foreclosure or satisfaction of mortgages, being sections six thousand seven hundred one and six thousand seven hundred eight of Howell's Annotated Statutes, and being compiler's sections five hundred sixteen and five hundred twenty-three of the Compiled Laws for the year eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one hundred eleven and one hundred eighteen of chapter ninety of the revised statutes of eighteen hundred forty-six, relative to process and proceedings of circuit courts in chancery upon bills for foreclosure or satisfaction of mortgages, being sections six thousand seven hundred one and six thousand seven hundred eight of Howell's annotated statutes, and being compiler's sections five hundred sixteen and five hundred twenty-three of the compiled laws for the year eighteen hundred ninety-seven, be and the same are hereby amended to read as follows:

Power of court
to decree sale
of mortgaged
premises.

SEC. 111. Whenever a bill shall be filed for the foreclosure or satisfaction of a mortgage, the court shall have power to decree a sale of the mortgaged premises, or such part thereof as may be sufficient to discharge the amount due on the mortgage, and the costs of suit; but the circuit judge shall not, by such decree, order any lands to be sold within six months after the filing of the bill of foreclosure: *Provided*, That if the mortgagor, his heirs, executors, administrators or any person lawfully claiming from or under him or them shall, within six months from the time of such sale, redeem the entire premises sold, by paying to the purchaser, his executors, administrators or assigns, or to the register of deeds in whose office such deed is deposited as provided by section one hundred eighteen, for the benefit of such purchaser, the sum which was bid therefor, with interest from the time of the sale at the rate per cent borne by the mortgage, not exceeding eight per cent per annum, and in case such payment is made to the register of deeds, the sum of one dollar as a fee for the care and custody of such redemption money, then such deed shall be void and of no effect, but in case any distinct lot or parcel separately sold shall be redeemed, leaving a portion of the premises unredeemed, then such deed shall be inoperative merely to the parcel or parcels so redeemed, and to those portions not so redeemed shall remain valid and of full effect.

Proviso.

Form of deeds
executed
on sale of
property.

SEC. 118. Deeds shall thereupon be executed by such Circuit Court Commissioner or other person making such sale specifying the names of the parties in the suit, the date of the

mortgage, when and where recorded, with a description of the premises sold, and the amount for which each parcel of land therein described was sold, and he shall indorse upon each deed the time when the same will become operative in case the premises are not redeemed according to law, such deed or deeds shall as soon as practicable, and within twenty days after such sale be deposited with the register of deeds of the county in which the land therein described is situated, and the register shall endorse thereon the time the same was received; and for the better preservation thereof, shall record the same at length in a book to be provided in his office for that purpose and shall index the same in the regular index of deeds, and the fee for recording the same shall be included among the other costs and expenses allowed by law. In case such premises or any parcel thereof shall be redeemed the register of deeds shall write on the face of such record the word "Redeemed," stating at what date such entry is made and signing such entry with his official signature. Unless the premises described in such deed or any parcel thereof shall be redeemed within the time limited for such redemption as herein provided, such deed shall thereupon as to all parcels not so redeemed become operative, and shall vest in the grantee therein named, his heirs or assigns, all the right, title and interest which the mortgagor had at the time of the execution of the mortgage, or at any time thereafter.

Where deposited.

How recorded.

Duties of register of deeds in case of redemption.

When deeds to become operative.

Approved May 10, 1899.

[No. 201.]

AN ACT to protect Mink, Racoon, Skunk and Muskrats during the months of September and October in each year and provide a Penalty for the violation thereof.

The People of the State of Michigan enact:

SECTION 1. That it shall not be lawful for any person or persons to trap, hunt, shoot or kill any mink, racoon, skunk or muskrat in this State during the months of September and October in each year; except it be on his own premises, and such person can prove that the said animal was damaging him: *Provided however*, That this act shall not be construed so as to repeal act number twenty-seven of the session laws of eight-hundred ninety-seven: *Provided further*, That nothing in this act shall prevent water-power owners from killing or destroying muskrats within one-half mile of any water-power in this State: *And provided also*, That nothing in this act shall be construed to prevent owners of dykes from killing or

Close season for mink, skunk, muskrat, etc.

Proviso as to certain act.

Further proviso as to destruction of muskrats along water powers, &c.

destroying muskrats on or along such dykes, when damaging said dykes.

Penalty for violation.

SEC. 2. Any person who shall be found guilty of violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be liable to a fine of not more than one dollar and costs of prosecution for each and every animal killed.

Approved May 11, 1899.

[No. 202.]

AN ACT to provide Fans or Blowers in all Workshops or establishments where wheels composed partly of Emery or Buffing wheels or Emery belts are used.

The People of the State of Michigan enact:

Fans or blowers in certain workshops.

Power of Commissioner of Labor.

Provision relative to water grinders.

Proviso as to solid emery wheels.

Duty of proprietors.

Apparatus, how constructed.

SECTION 1. That all persons, companies or corporations, operating any factory or workshop, where wheels or emery belts of any description are in general use, either leather, leather covered, felt, canvas paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton, wheels used as buffs, shall provide the same with fans or blowers, or similar apparatus, when ordered by the Commissioner of Labor, which shall be placed in such a position or manner as to protest the person or persons using the same from the particles of dust produced and caused thereby, and to carry away the dust arising from, or thrown off by such wheels or belts, while in operation, directly to the outside of the building or to some other receptacle placed so as to receive and confine such dust, and the same shall be placed in such factory or workshop within three months after this act shall take effect, in the manner and according to the directions and specifications as herein, in this act set forth: *Provided*, That grinding machines upon which water is used at the point of grinding contact shall be exempt from the conditions of this act. *And provided further*, That this act shall not apply to solid emery wheels used in saw-mills or planing-mills or other wood-working establishments.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal

force and be carried off by the current of air into a suction pipe attached to same hood or hopper.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three inch suction pipe; wheels six inches to twenty-four inches in diameter with four inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with a five inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe, not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main trunk suction pipe, and the said main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same; and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

Regulations as to suction pipes.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop, to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at such a rate of speed as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute or an equivalent suction or pressure of air equal to raising a column of water not less than five inches high in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less. The main suction, or trunk pipe, shall be below the polishing or buffing wheels and as close to the same as possible and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Duty of proprietors relative to fans and blowers.

Velocity of fans or blowers.

Branch pipes, how to enter trunk pipes. Main suction pipe, position of.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State, in which any such factory or workshop is situated, upon receiving notice in writing, signed by any person or persons, having knowledge of such facts, that such factory or workshop, is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace, or police magistrate having jurisdiction, who shall thereupon issue his warrant directed to the owner, manager or director in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made

Duty and authority of certain officials.

Complaints, whom to have jurisdiction.

How proceed.

Secretary of State to make report to Attorney General.

Attorney General to institute proceedings.

Board of State Auditors to audit and pay expense of prosecution.

Termination of corporate existence, etc.

Secretary of State and county clerk to be notified.

Penalty for neglect to notify.

Copy of act to be mailed to corporations.

When neglect to file report deemed wilful.

Notice to officers and directors.

Certificate of mailing of notices to be prima facie evidence.

The Secretary of State shall, during the last week in June in each year, report to the Attorney General, in writing, the name and postoffice address of each and every corporation which has failed to comply with the provisions of this section, and upon the receipt of such report it shall be the duty of the Attorney General to institute proceedings in any court of competent jurisdiction to collect said penalties, and all necessary expenses incurred by the Attorney General in such proceedings shall be audited by the Board of State Auditors, and paid from the general fund of the State. And in case a corporation organized and existing under the provisions of this act shall be dissolved by process of law, or whose term of existence shall terminate by limitation, whose property and franchises shall be sold at mortgage sale or at a private sale, or for any reason the attitude of the corporation toward the State shall be changed from that set forth in the articles of association, except as is provided in sections two and seventeen, it shall be the duty of the last board of directors of such corporation, within thirty days thereafter, to give written notice of such change to the Secretary of State and the county clerk of the county where the office of such corporation is located, signed by a majority of such directors, which said notice shall be recorded as amendments are required to be recorded; and in case of neglect to give such notice they shall be subject to the same penalties provided in case of neglect to make annual reports, which said penalties shall be collected and applied in the same manner as in case of neglect in making annual reports. It shall be the duty of the Secretary of State during the month of December, A. D. eighteen hundred ninety-nine, to cause to be mailed to every corporation subject to the provisions of act number two hundred thirty-two of the public acts of eighteen hundred eighty-five, as amended, a printed copy of this act. The neglect or refusal to file the reports required by this section to be filed shall, as to managing officers and directors, and officers and directors actually engaged in conducting the business of the corporation of which they are such officers or directors, be deemed to be wilful when the report required is not filed within the time herein limited. Whenever any corporation has neglected or refused to make and file its report within twenty days after the time limited in this section, the Secretary of State shall cause notice of that fact to be given by mail to such corporation, and to each officer and director thereof, directed to their respective postoffice addresses, and the notice to the corporation shall be accompanied by blanks upon which to make such report. The certificate of the Secretary of State, or Deputy Secretary, of the mailing of such notices and blanks shall be prima facie evidence in all courts and places of that fact, and that said notices and blanks were duly received by

said corporation, officers and directors thereof severally. And in case of all officers and directors other than those managing or actually engaged in the conduct of the affairs and business of the corporation, the neglect or refusal to file the reports required by this section shall be deemed to be wilful, after the Secretary of State shall have given the notice above provided for, if such report be not made within thirty days thereafter: *Neglect to file report when deemed wilful.*

Provided, Flour milling corporations shall make and deposit annual reports in the month of July or August, and for refusal or neglect to make and deposit the reports required by this section before the first day of September in each year, such corporation or any of its officers or directors shall be liable for all the debts of such corporation contracted during the period of such neglect or refusal, and shall be immediately subject to all the penalties provided in this section. The first report under this law shall be made in the year nineteen hundred. All actions and suits, based on the neglect or refusal of the officers or directors of such corporations to make and deposit the reports required by this section shall be commenced within two years next after such neglect or refusal has occurred, and not afterwards. *Penalty for violation of section. Actions, when commenced.*

Proviso as to flouring mills.

Approved May 17, 1899.

[No. 204.]

AN ACT to amend sections one hundred forty and one hundred forty-one of act number two hundred six of the public acts of eighteen hundred ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," as added by act number two hundred twenty-nine of the public acts of eighteen hundred ninety-seven, being sections three thousand nine hundred fifty-nine and three thousand nine hundred sixty of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one hundred forty and one hundred forty-one of act number two hundred six of the public acts of eighteen hundred ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in any wise contravening any of the provisions of this act," as added by act number two hundred twenty-nine of the public acts of eighteen hundred ninety-seven, being sections three thousand nine hundred fifty-nine and three thousand nine hundred sixty of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Possession of
land sold for
taxes, how
acquired.

SEC. 140. No writ of assistance or other process for the possession of any land, the title to which has been obtained under and in pursuance of any tax sale made after the twenty-ninth day of August, A. D., eighteen hundred ninety-seven, or of any sale of State tax lands or State bids made after the said twenty-ninth day of August, eighteen hundred ninety-seven, except where such title shall be obtained under the provisions of section one hundred thirty-one of this act, shall be issued until six months after there shall have been filed with the county clerk of the county where the land is situated a return by the sheriff of said county, showing that he has made personal service, or until substituted service, as hereinafter provided, has been made upon the grantee or grantees under the last recorded deed in the regular chain of title to said land, and upon the mortgagee or mortgagees named in all undischarged recorded mortgages, or any assignee thereof of record, of a notice, which shall be in the following form:

Notice to land
owners, etc.

To the owner or owners of the land herein described, and to the mortgagee or mortgagees named in all undischarged recorded mortgages against said land, or any assignee thereof of record:

Form of notice.

Take notice that sale has been lawfully made of the following described land for unpaid taxes thereon, and that the undersigned has title thereto under tax deed issued therefor, and that you are entitled to a reconveyance thereof, at any time within six months after service upon you of this notice, upon payment to the undersigned of all sums paid upon such purchase, together with one hundred per cent additional thereto, and the fees of the sheriff for the service or cost of publication of this notice, to be computed as upon personal service of a declaration as commencement of suit, and the further sum of

five dollars for each description, without other additional costs or charges. If payment as aforesaid is not made, the undersigned will institute proceedings for possession of the land.

Descriptions _____ Amount paid _____

Tax for 1 _____

(Signed.) _____

Place of business _____

Provided, That if grantee or grantees, or the person or persons holding the interest in said lands as aforesaid, shall be residents of any county in the State other than the county in which the land is situated, then such return as to such persons shall be made by the sheriff of the county where such person or persons reside: *Provided further*, If any grantee or grantees, or the person or persons holding the interest in said lands as aforesaid, shall be non-residents of this State, if from the said record aforesaid, or from inquiry, the sheriff can obtain the postoffice address of such grantee or grantees, or the person or persons holding the interest in such land as aforesaid, or if the said address be known to him, he shall send to such person or persons aforesaid a copy of said notice by registered letter, and return the receipt as receipts received for said letter or letters with his return to the county clerk's office:

Proviso.

Proviso as to non-residents.

Provided further, That if any person entitled to notice, as hereinbefore provided, is dead, or if his estate shall be under control of a trustee or guardian, then and in such case notice as hereinbefore provided may be served upon the executor or administrator of said deceased person, or upon his heirs, if there be no executor or administrator, or upon the trustee or guardian of any incompetent person, with like effect as if served upon the grantee, mortgagee or assignee.

Proviso as to deceased persons, trustees or guardians.

Provided further, That if the sheriff of the county where any such lands are located shall make a return that after careful inquiry he is unable to ascertain the whereabouts or the postoffice address of the grantee named in the last recorded deed, or the mortgagee named in the last recorded mortgage, or the assignee of record of said mortgage of said premises, or of the heirs of said grantee or mortgagee or assignee, or the whereabouts or the postoffice address of the executor, administrator, trustee or guardian of such grantee, mortgagee or assignee, then such notice as is herein provided for shall be published six successive weeks in some newspaper published and circulating in the county where such lands are located, and due proof of publication, by affidavit of the printer or publisher of such newspaper, shall be filed with the county clerk, and shall be in lieu of the personal service above provided for.

Proviso as to non-residents, whose address is unknown.

Notice to be published.

Publisher to make affidavit.

SEC. 141. Any grantee or grantees under the last recorded deed to such land, or any mortgagee or mortgagees named in the last recorded mortgage, or any assignee thereof of record at the time of the giving of said notice, or any executor, administrator, heir, trustee or guardian of such grantee, mortgagee or assignee, as provided in section one hundred forty

Redemption of land, how to proceed.

Costs of redemption.

of this act, shall be entitled to receive from the person so claiming under and by virtue of such tax, deed, at any time within six months after the personal service of such notice, or the date of mailing said notice by registered letter, or the first publication of such notice, as so provided, a reconveyance of such interest in such lands so held, upon payment to the grantee under such tax deed of the amount paid upon such purchase, together with one hundred per cent in addition thereto, and the lawful fees or costs for such personal service, or substituted service, which fees shall be the same as provided by law for service of subpoenas or for orders of publication, or the cost of such service by registered mail, and the further sum of five dollars for each description, without additional cost or charge: *Provided*, That any person or persons to whom the notice herein provided for is to be given shall, at any time before such notice is so given, be entitled to a reconveyance of any such lands to the parties in interest, as appears of record, on the payment to such person or persons claiming title under and by virtue of such tax deed of the amount paid upon such purchase, together with one hundred per cent in addition thereto, and the further sum of five dollars for each description:

Proviso relative to reconveyance.

Provided further, If any reconveyance is made to any mortgagee or mortgagees, or assignee thereof, that such conveyance shall not operate as an absolute conveyance of the title to such lands, but shall be considered and treated as an additional lien upon said lands, and shall be added to the amount of such mortgage, and the mortgagor or person or persons claiming under him shall be entitled to a reconveyance of the tax title interest in such land from said mortgagee or mortgagees, or assignees thereof, upon the payment of all sums so paid to such person or persons claiming under any such tax deed, with interest thereon at the rate of six per cent per annum from date of such payment, and such reconveyance shall in no way operate as a release or discharge of such mortgage lien: *Provided further*, That any such application for a writ of assistance shall show that such applicant has complied with the provisions of this act as to the giving of notice as herein directed, and he shall attach to such application a copy of the notice aforesaid, and the return of the sheriff serving the same, or a copy of the proof of publication, or the registry receipt or receipts from the registry department of the post-office, showing that such notice has been served by registered mail.

Further proviso.

Approved May 17, 1899.

[No. 205.]

AN ACT to compel the maintenance of Water-closet accommodations for Workmen on Buildings during course of erection.

The People of the State of Michigan enact:

SECTION 1. That it shall be the duty of all architects to insert a clause in the specifications for all buildings providing for suitable temporary water-closets for the use of workmen employed on such buildings while in the course of erection, unless closets are already maintained on such premises; and it shall also be the duty of the contractor or person erecting such building to erect such closet within the first week after commencing work thereon.

Architects to insert clause relative to water-closets.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars or more than twenty-five dollars or imprisonment in the county jail for a term not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

Violation of act a misdemeanor.

Penalty.

Approved May 17, 1899.

[No. 206.]

AN ACT to authorize the formation of corporations for the prevention of cruelty to children, animals, birds and fowls.

The People of the State of Michigan enact:

SECTION 1. That any number of persons, not less than ten, may become a body corporate for the purpose of the prevention and punishment of cruelty to children, animals, birds and fowls. Such corporation shall be formed by the persons associated for these purposes executing under their hands and acknowledging before some person authorized to take acknowledgments of deeds, articles of association, which shall contain:

Number who may incorporate.

How formed.

- First, The proposed corporate name of the association;
- Second, The place where the principal office of the association shall be located;
- Third, The period for which the association shall continue;
- Fourth, The object of the association;
- Fifth, The names of the persons so associating and their respective places of residence;
- Sixth, The number of directors and regular officers;

What articles shall contain.

of this act, shall be entitled to receive from the person so claiming under and by virtue of such tax, deed, at any time within six months after the personal service of such notice, or the date of mailing said notice by registered letter, or the first publication of such notice, as so provided, a reconveyance of such interest in such lands so held, upon payment to the grantee under such tax deed of the amount paid upon such purchase, together with one hundred per cent in addition thereto, and the lawful fees or costs for such personal service, or substituted service, which fees shall be the same as provided by law for service of subpoenas or for orders of publication, or the cost of such service by registered mail, and the further sum of five dollars for each description, without additional cost or charge: *Provided*, That any person or persons to whom the notice herein provided for is to be given shall, at any time before such notice is so given, be entitled to a reconveyance of any such lands to the parties in interest, as appears of record, on the payment to such person or persons claiming title under and by virtue of such tax deed of the amount paid upon such purchase, together with one hundred per cent in addition thereto, and the further sum of five dollars for each description:

Costs of redemption.

Proviso.

Proviso relative to reconveyance.

Further proviso.

Provided further, If any reconveyance is made to any mortgagee or mortgagees, or assignee thereof, that such conveyance shall not operate as an absolute conveyance of the title to such lands, but shall be considered and treated as an additional lien upon said lands, and shall be added to the amount of such mortgage, and the mortgagor or person or persons claiming under him shall be entitled to a reconveyance of the tax title interest in such land from said mortgagee or mortgagees, or assignees thereof, upon the payment of all sums so paid to such person or persons claiming under any such tax deed, with interest thereon at the rate of six per cent per annum from date of such payment, and such reconveyance shall in no way operate as a release or discharge of such mortgage lien: *Provided further*, That any such application for a writ of assistance shall show that such applicant has complied with the provisions of this act as to the giving of notice as herein directed, and he shall attach to such application a copy of the notice aforesaid, and the return of the sheriff serving the same, or a copy of the proof of publication, or the registry receipt or receipts from the registry department of the post-office, showing that such notice has been served by registered mail.

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Architects to insert clause relative to water-closets.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars or more than twenty-five dollars or imprisonment in the county jail for a term not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

Violation of act a misdemeanor.

Penalty.

Approved May 17, 1899.

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Number who may incorporate.

How formed.

- First, The proposed corporate name of the association;
- Second, The place where the principal office of the association shall be located;
- Third, The period for which the association shall continue;
- Fourth, The object of the association;
- Fifth, The names of the persons so associating and their respective places of residence;
- Sixth, The number of directors and regular officers;

What articles shall contain.

Seventh, The general terms and conditions of membership, both active and honorary.

Articles, where
filed.

SEC. 2. A copy of said articles of association so executed and acknowledged, and verified by the affidavit of one of the persons who executed the original, shall be filed and recorded in the office of the Secretary of State, and in the office of the county clerk of the county in which said corporation shall be organized, and thereafter the persons so executing such articles and those who may afterwards become associated with them shall become and be a body politic and corporate for the purposes in such articles mentioned. The affairs of such corporation shall be managed by a board of directors, not less than five in number, to be chosen in the first instance by the persons who have executed the articles of association, and thenceforth annually by the members of the association. The president, vice-president, secretary and treasurer of the association and all superintendents, agents and other officers shall be chosen by the board of directors, and the president or any presiding vice-president shall be ex-officio a member of the board. All directors and officers of the association shall be continued in office until their successors shall be elected by members of the association. The board of directors shall have power to make by-laws, prescribing the terms and conditions of membership of the association, and also with respect to all other matters relating to the association and its business not inconsistent with the provisions of this act. A majority of the members of the board of directors shall constitute a quorum for the transaction of business. Any corporation organized under this act shall have power to acquire, hold and convey real and personal property necessary for the general purposes of the association, and not exceeding ten thousand dollars in the aggregate. All property acquired by gift, devise or bequest for special purposes shall be vested in a board of trustees consisting of three members elected by the association, which board shall manage such property and apply the same in accordance with the terms of the gift, devise or bequest, with power to sell the same and reinvest the proceeds for a like special purpose. Such corporation shall, whenever required by the Secretary of State, make and file with that officer a report giving a full statement of its affairs, showing the amount of money and property, its character and value received by it, from whom such money and property has been received, and also the disposition made thereof, together with an itemized statement of all money expended by it and for what purposes.

Body corporate.

Board of
directors,
how chosen.

Officers, how
chosen.

Term of office.

By-laws, etc.,
board of
directors to
make.

Quorum, what
to constitute.

Real estate,
amount may
hold.

Property, how
managed.

Report, when
to make, what
to contain.

Object of
association.

SEC. 3. The object and authority of any association organized under this act shall be the impressing and diffusing the principles of humanity and mercy and to secure the enforcement of legislative laws and those to be hereafter enacted for the purpose of the prevention and punishment of cruelty to children, and to all animals, birds and fowls. Any association

created under this act may appoint a superintendent and one or more agents in any county when and as long as there is no like association, and may appoint agents at large to prosecute its work throughout the State, who are hereby authorized to arrest any person found violating any law for the prevention of any cruelty covered by this act, under any circumstances under which the sheriff or other peace officer would be authorized to arrest without process and are hereby required to prosecute such offender for any such offense in the manner prescribed by law, but such agents are not authorized to make arrests in any cities under the police jurisdiction unless duly authorized by the police authorities thereof. It shall be the duty of the sheriff of such county to appoint as deputy sheriff each person so designated superintendent or agent if he be a person of good moral character, but such sheriff shall not be responsible for the acts of such deputy sheriff, and his powers and duties shall be confined to the purposes of his appointment as superintendent or agent. It is hereby made the duty of all sheriffs, constables, policemen and public officers to assist any superintendent or agent in the lawful execution of his office, and to arrest and prosecute all persons guilty of offenses in relation to any cruelty covered by this act of which they have knowledge, and for neglect of such duty the offender so offending shall be deemed guilty of a misdemeanor; and any person knowingly and wilfully resisting or obstructing any such officer, superintendent or agent shall be prosecuted as for resisting an officer in the performance of his duty.

SEC. 4. Upon the written request of any association incorporated under this act, the governor of the State may, if he thinks it for the public good, appoint one or more of the superintendents or agents of the association with authority as State humane marshal to arrest any person in any county in the State, if such person is at the time committing an act of cruelty covered by this act, but such offender shall at once be turned over to the proper local county, town or city officers for prosecution.

SEC. 5. All acts or parts of acts that are in conflict or inconsistent with the provisions of this act are hereby repealed.

Approved May 25, 1899.

[No. 207.]

AN ACT to amend section one of act number one hundred fifty-six of the public acts of eighteen hundred ninety-one, entitled "An act to regulate the interest of money on account, interest on money, judgments, verdicts, etc.," same being compiler's section one thousand five hundred ninety-four of volume three of Howell's Annotated Statutes and section four thousand eight hundred fifty-six of the Compiled Laws of eighteen hundred ninety-seven.

May appoint agents or superintendents.

Authority to make arrests.

To prosecute offenders.

Additional authority. Duty of sheriffs.

Limit of power and duties.

Duty of other officers.

Neglect of duty a misdemeanor.

Liability for resistance.

Governor, when may grant authority to make arrests.

Offenders, whom to have custody of.

Acts repealed.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section one of act number one hundred fifty-six of the public acts of eighteen hundred ninety-one, entitled "An act to regulate the interest of money on account, interest on money, judgments, verdicts, etc.," the same being compiler's section one thousand five hundred ninety-four of volume three of Howell's Annotated Statutes and section four thousand eight hundred fifty-six of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Legal rate of interest.

SECTION 1. *The People of the State of Michigan enact*, That the interest of money shall be at the rate of five dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time, except that in all cases it shall be lawful for the parties to stipulate in writing for the payment of any rate of interest, not exceeding seven per cent per annum: *Provided*, That this act shall not apply to existing contracts, whether the same be either due, not due or part due.

Proviso.

Approved May 25, 1899.

[No. 208.]

AN ACT to prevent the adulteration of linseed oil sold in this State.

The People of the State of Michigan enact:

Unlawful to sell adulterated linseed oil.

SECTION 1. That hereafter it shall be unlawful to sell or offer for sale in this State any linseed oil, as such, either raw, boiled or bleached, containing any adulteration or foreign matter of any kind. Every barrel or package offered for sale as such shall be marked in plain and conspicuous letters "pure linseed oil," and no package or barrel shall be marked linseed oil that does not contain pure linseed oil free from all adulteration or foreign matter of any kind whatever.

Barrels, etc., how marked.

Substitute oil, how branded.

SEC. 2. Any oil sold in this State as a substitute for linseed oil must be so branded in plain and conspicuous letters, giving the true name and amounts of each article contained in its composition or mixture.

Penalty for violation.

SEC. 3. Any person or officer, employee or agent of any person, copartnership, company or corporation violating any of the provisions of this act shall, on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved May 25, 1899.

[No. 209.]

AN ACT to provide for the placing of Low Water Alarms on Steam Boilers and providing a penalty for a non-compliance of the same.

The People of the State of Michigan enact:

SECTION 1. That all stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation within the State of Michigan shall whenever so ordered by the chief factory inspector or any of his duly authorized deputies, have upon them some device which will sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of any such boiler to the depth of water in the boiler before the same reaches the danger point: *Provided*, That the kind of device or alarm so used shall be approved by the chief factory inspector of the State; and he or any of his duly authorized deputies shall be authorized to enter upon the premises of any person, firm or corporation within this State for the purpose of inspecting any stationary steam boiler so used or operated.

Water alarms,
who to order.

Proviso re-
lative to, kind
of device.
Right to make
inspection.

SEC. 2. It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler without its having a low water alarm attached thereto after the chief factory inspector or any duly authorized deputy has ordered the same to be used as specified in section one of this act.

When unlawful
not to use
alarm.

SEC. 3. Any person, the members of any firm or the board of directors of any corporation violating any of the provisions of this act or who shall refuse or neglect to comply with any such order made by the chief factory inspector or his duly authorized deputy shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars and costs of prosecution, or by imprisonment in the county jail of the county where such conviction shall be had, or in the State House of Correction and Reformatory at Ionia, for not less than six months nor more than one year, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Penalty for
violation.

Approved May 25, 1899.

[No. 210.]

AN ACT to amend section nine of chapter eighty-four of the Revised Statutes of eighteen hundred forty-six, "Of Divorce," and being section six thousand two hundred thirty-one of Howell's Statutes of Michigan, the same being section eight thousand six hundred twenty-four of the Compiled Laws of eighteen hundred ninety-seven, as amended by act number two hundred two of the Session Laws of eighteen hundred ninety-five, relating to divorce, approved May twenty-third, eighteen hundred ninety-five, and act number one hundred sixteen of the Public Acts of eighteen hundred ninety-seven, approved May seventh, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section nine of chapter eighty-four of the Revised Statutes of eighteen hundred forty-six, entitled "Of Divorce," and being section six thousand two hundred thirty-one of Howell's Annotated Statutes of Michigan, the same being section eight thousand six hundred twenty-four of the Compiled Laws of eighteen hundred ninety-seven, as amended by act number two hundred two of the Session Laws of eighteen hundred ninety-five and act number one hundred sixteen of the Public Acts of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Divorce, how
obtained.

(6231) SEC. 9. No decree of divorce shall be granted by any court in this State in any case unless:

Plaintiff to be
a resident.

First, The party applying therefor shall have resided in this State for one year immediately preceding the time of filing the bill or petition therefor; or

Marriage
solemnized
in State.

Second, The marriage which it is sought to dissolve was solemnized in this State, and the party applying for such divorce shall have resided in this State from the time of such marriage until the time of bringing such suit for divorce.

Cases in which
granted.

No decree of divorce shall be granted in any case except when one of the following facts exist:

Defendant to
be resident.

First, When the defendant is domiciled in this State at the time the bill or petition for divorce is filed; or

Second, When the defendant shall have been domiciled in this State when the cause for divorce alleged in the bill or petition arose; or

Service of
notice within
State.

Third, When the defendant shall have been brought in by publication, or shall have been personally served with process in this State, or shall have been personally served with a copy of the order for appearance and publication within this State or elsewhere, or has voluntarily appeared in such action or proceeding. Whenever any such order shall be served outside this State, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a Justice

Without this
State.

of the Peace or Notary Public, and when such affidavit shall be made outside this State, it shall have attached thereto the certificate of the clerk of a court of record, certifying to the official character of the Justice or Notary, and the genuineness of his signature to the jurat of the affidavit.

In all cases where divorce is asked on the ground of desertion, such desertion shall be deemed to have occurred and taken place in this State, for the purpose of this act, when the parties, complainant and defendant, shall have been actually and in good faith domiciled in this State at the time the defendant actually abandoned the complainant, without the proof of his or her actual intent at the time of such abandonment. Whenever the cause or causes for divorce charged in the bill or petition shall have occurred out of this State, no decree of divorce shall be granted unless the complainant or defendant, one or both of them, shall have resided in this State for two years immediately preceding the filing of the bill or petition for such divorce. No proofs or testimony shall be taken in any case for divorce until the expiration of two months from the time of filing the bill or petition therefor, except where the cause for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony. When the defendant in any case for divorce shall not be domiciled in this State at the time of commencing such suit, or shall not have been domiciled therein at the time the cause for divorce arose, before any decree of divorce shall be granted the complainant must prove that the parties have actually lived and cohabitated together as husband and wife within this State, or that the complainant has in good faith resided in this State for two years immediately preceding the filing of the bill or petition for divorce.

When desertion deemed to have occurred in State.

Taking of proofs, etc.

Proof necessary when defendant outside of State.

Approved May 26, 1899.

[No. 211.]

AN ACT to amend act number one hundred sixty-one of the public acts of eighteen hundred ninety-five, entitled "An act to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor," being compiler's section two thousand five hundred forty-eight of the Compiled Laws for the year eighteen hundred ninety-seven, as amended.

The People of the State of Michigan enact:

SECTION 1. That act number one hundred sixty-one of the public acts of eighteen hundred ninety-five, entitled "An act to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor,"

Act amended.

being compiler's section two thousand five hundred forty-eight of the Compiled Laws for the year eighteen hundred ninety-seven, be and the same hereby is amended to read as follows:

County treasurers to furnish transcript of records.

SECTION 1. That the county treasurers of the several counties shall make or cause to be made, on application therefor, transcripts of any papers or records on file in their offices upon payment therefor, of the following fees:

Fees.

For abstracts of taxes (on) any description of land, three cents for each year covered by such abstract; for abstracts with statement of name and residence of taxpayers, twelve cents per year for each description of land therein; for list of State tax lands or State bids, two cents for each description of land therein; for one copy of any paper or document, at the rate of ten cents per hundred words; for each certificate to any abstract, transcript, paper or document, fifteen cents; for certificate as required by section one hundred thirty-five of act two hundred six of the public acts of eighteen hundred ninety-three, fifteen cents, except that in the county of Wayne the fee shall be twenty-five cents for each certificate: *Provided*, That in no case shall any abstract, list or copy, made as required by this act, be furnished for a less sum than fifteen cents. All moneys collected under the provisions of this act shall be retained by the county treasurers collecting the same, except in the counties of Wayne, Kent, Saginaw and Bay, in which counties such moneys shall be placed by the treasurers collecting the same to the credit of the general fund of the county.

Proviso as to amount of fees.

Fees, by whom retained.

Exception as to certain counties.

Approved June 1, 1899.

[No. 212.]

AN ACT to provide for the examination and licensing of barbers.

The People of the State of Michigan enact:

Governor to appoint board of examiners.

SECTION 1. That the Governor shall on or before the first day of October in the year eighteen hundred ninety-nine appoint a barber to serve for one year, a barber to serve for two years, and a barber to serve for three years, who with their respective successors to be appointed annually thereafter and to serve for the term of three years each shall constitute a board of examiners of barbers.

Term of office.

Officers of board.

Expenses, how paid.

SEC. 2. The member whose term shall soonest expire shall be president, the one whose term shall next soonest expire shall be treasurer, and the one having longest to serve shall be secretary of said board. They shall receive each their actual expenses incurred in the performance of their duties,

to be audited by the State Board of Auditors and on their warrant to be paid by the treasurer of the State of Michigan.

SEC. 3. The treasurer of said board shall before entering upon his duties give to the People of the State of Michigan a bond in the penal sum of six thousand dollars to be approved by and filed with the Secretary of State, conditioned for the faithful receipt, disbursement and accounting for according to this act of all moneys that may come into his hands as such treasurer. The treasurer of said board shall receive an annual salary of five hundred dollars, payable out of the general funds of the State not otherwise appropriated, on the warrant of the Auditor General.

Treasurer to
give bond.

Salary of
treasurer
how paid.

SEC. 4. Said board shall meet at least four times each year at different places within this State, one of said meetings to be held in the Upper Peninsula, to conduct an examination of persons desiring to follow the occupation of barbers, and shall give at least thirty days previous notice of the time and place of such meeting in at least two of the daily newspapers of the State.

Meetings notice
of, etc.

SEC. 5. Each applicant shall be examined concerning his ability to prepare and fit for use the ordinary tools and utensils used by barbers, including the proper antiseptic treatment of razors, shears, clippers, brushes, combs, shaving cups and towels, the nature and effect of eruptive and other diseases of the skin and scalp and whether the same are infectious or communicable. No person so examined shall receive the certificate of said board unless he shall appear to be skilled in the use of barber's tools and possessed of knowledge sufficient to prevent the spread by means of barber's tools and appliances of eruptive and other diseases of the skin and scalp. No person so examined shall receive such certificate who is at the time of such examination an alien: *Provided*, That no barber shall receive a certificate who is in the habit of using intoxicating liquors to excess.

Applicants,
how examined.

Certificates, to
whom issued.

Proviso as to
those using
intoxicating
liquors.

SEC. 6. Each person applying to said board for a certificate shall pay to the treasurer thereof the sum of five dollars, which shall entitle him to examination and to a certificate if found qualified: *Provided*, This section shall not apply to barbers now engaged in the business of a barber in this State and who have been so engaged for the period of two years.

Fee for
examination.

Proviso.

SEC. 7. Every person now engaged in the business of a barber in this State, and who has been so engaged for the period of two years or more, shall within ninety days after this act shall take effect file with the secretary of said board a statement verified by his oath to be administered by any notary public of the State, showing his name, place of business, post office address, the length of time he has actually served as a barber, and shall pay to said secretary the sum of one dollar and receive and shall be entitled to receive from said board a certificate as a barber, and shall pay annually thereafter the sum of fifty cents for a renewal of said certificate.

Persons now
engaged to
secure certifi-
cate.

Fee.

Secretary of
board to keep
record.

SEC. 8. A true record shall be kept by the secretary of said board, showing to whom the certificates of the board have been issued, and said board shall on the first day of October and April in each year make and file with the treasurer of the State of Michigan a list of all persons so certified, and the treasurer of said board shall at the same time render an account of all receipts of said board, and pay over to said State Treasurer all the sums of money in his hands. The secretary of said board shall receive an annual salary of six hundred dollars payable out of the general funds of the State not otherwise appropriated on the warrant of the Auditor General.

Salary of
secretary.
how paid.

Unlawful to
practice with-
out certificate.
Proviso.

SEC. 9. It shall be unlawful for any person to follow the occupation of a barber without the certificate of said board of examiners: *Provided, however,* That this act shall not apply to apprentices serving as such under certified barbers: *Provided, further,* That all persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next regular meeting of said board.

Further
proviso.

Penalty for
violation.

SEC. 10. Any person violating the provisions of this act shall, upon conviction, be punished by a fine of not less than five nor more than fifty dollars, and any convicted person who shall refuse or neglect to pay any such fine may be imprisoned in the county jail until such fine is paid, not exceeding, however, twenty days.

Approved June 1, 1899.

[No. 213.]

AN ACT to amend an act entitled "An act to regulate the granting of poor relief to, and the admission of Certain Poor Persons to Asylums and Almshouses, and to provide for the expense of the temporary care and transportation of such persons." being act one hundred seventy-eight of the public acts of eighteen hundred ninety-seven, being sections four thousand five hundred fifty-six to four thousand five hundred fifty-eight of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred seventy-eight of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the granting of poor relief to, and the admission of certain poor persons to asylums and almshouses, and to provide for the expense of the temporary care and transportation of such persons." being sections four thousand five hundred fifty-six to four thousand five hundred fifty-eight of the com-

piled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That any person who is old, sick, infirm, blind, crippled, idiotic, epileptic, insane or otherwise incompetent to earn a livelihood at the time of such person's entry into any county, city or township in this State, or any person who for any reason would be liable to become a periodical or permanent public charge, shall not be entitled to admission into any of the State asylums, county asylums or almshouses at the expense of the State, city, county or township aforesaid, or to receive relief of any nature, excepting such temporary care or relief as such person may require pending the return of such person to the place where such person was last continuously settled for one year: *Provided*, That any insane person whose place of residence is not known, may be committed to a State asylum as a State charge, but it shall be the duty of the medical superintendent of said asylum to return the patient to his or her place of residence as soon as it can be learned: *And provided further*, That the amount of temporary relief exclusive of transportation aforesaid shall not exceed twenty dollars in any one case without the consent of one of the superintendents of the poor of the county chargeable.

Non-resident poor persons not entitled to admission to alms houses, etc.

Proviso as to insane persons.

Proviso as to amount of relief to be extended.

SEC. 2. All such persons that have come from and belong within the State shall be transported back to the city, county or township where they were last continuously settled for one year, and the expense of such care, relief and transportation shall be paid by the county wherein said city or township may be: *Provided*, Such person has previously received any public aid from such county. And the county advancing such expense may recover the same from the county chargeable, if payment is refused or failed to be made within ninety days after the claim has been presented to the superintendents of the poor of said county, by an action at law in the circuit court in the county where such expense was incurred, and service of process may be made upon the chairman of the board of supervisors or the county clerk of the county chargeable: *Provided*, That in those counties where the distinction between county and township poor exists, the amount expended upon any case who has a settlement in any township in the county may be charged up to or recovered from said township by the superintendents of the poor: *Provided*, Such person has previously received public aid from such township.

To be returned to last known place of residence in this State.

Proviso as to recovery of moneys advanced.

Proviso.

Proviso.

SEC. 3. If any such person belong to and have come from outside of the State, the superintendents of the poor of the county, or the medical superintendent of the asylum where such persons may be, may furnish transportation and necessary attendance in their discretion to such person, and the expense of the same shall be allowed by the State Board of Auditors

Transportation, who to furnish.

and paid by the State on properly attested vouchers from the said superintendents of the poor or medical superintendent.

Acts repealed.

SEC. 4. All acts or parts of acts contrary to the provisions of this act are hereby repealed.

Approved June 1, 1899.

[No. 214.]

AN ACT to provide relief outside of the Soldiers' Home for Honorably Discharged Indigent Soldiers, Sailors and Marines, and the Indigent Wives, Widows and Minor Children of such Indigent or deceased Soldiers, Sailors and Marines, and to repeal act number one hundred ninety-three of the public acts of eighteen hundred eighty-nine, as amended by act number two of the public acts of eighteen hundred ninety-three, and act number two hundred fifty-three of the public acts of eighteen hundred ninety-five.

The People of the State of Michigan enact:

Duty of supervisor to levy tax for relief fund.

SECTION 1. That it shall be the duty of the board of supervisors of the several counties of this State to levy, in the year eighteen hundred ninety-nine, and annually thereafter, a tax not exceeding one-tenth of a mill on each dollar, to be levied and collected as provided by law, upon the taxable property of each township and city, for their respective counties, for the purpose of creating a fund for the relief of honorably discharged indigent soldiers, sailors and marines of the war of the rebellion and of the late war with Spain, and the indigent wives, widows, minor children and mothers of each such indigent or deceased soldier, sailor and marine and female nurses of the war of the rebellion. Such sums, when collected, shall be paid to the county treasurer of the county where such tax is levied in each of the counties of this State, to be paid out by him upon the order of the commission hereinafter provided for, duly signed by the chairman and secretary thereof: *Provided however*, That in case any part of such fund shall not be necessary for the purpose for which it was raised, the same shall remain in the treasury of such county as a soldiers' relief fund, and shall be considered in raising future sums therefor.

Proviso.

Judge of probate to appoint commission.

SEC. 2. It shall be the duty of the Judge of the court of probate in each county, in the year nineteen hundred, to appoint three persons, residents of such county, of whom two at least shall be honorably discharged soldiers, sailors or marines, of the United States army and navy, volunteers or regulars to be known as the "Soldiers' Relief Commission" of the county, with the powers and duties in this act provided. One of such persons shall be appointed for a term of one year; one for a

Term of office.

term of two years and one for a term of three years, and at the expiration of the term for which each of such persons was appointed, his successor shall be appointed for a term of three years thereafter. The persons so appointed shall organize by the selection of one of their number as chairman, and one as secretary, and in the event of the death, resignation, change of residence or other disability of any member of said board, creating a vacancy, the judge of probate shall fill such vacancy by an appointment for the unexpired term. They shall each file the constitutional oath of office with the probate court, and receive the proper certificate of their appointment. They shall be entitled to reasonable compensation for their services, to be fixed and paid by the board of supervisors of their respective counties.

Officers.

Oath.

Compensation.

SEC. 3. The supervisor of each township and ward in each of the counties of this State, and where there is no ward supervisor the aldermen of the several wards of every incorporated city in this State, shall, on or before the last Monday in September in each year, make and place in the hands of the soldiers' relief commission of the county, a list of all the persons entitled to relief under the provisions of this act, and the Soldiers' Relief Commission, on the first Monday in October in each year, shall proceed to determine the amount necessary for aid and relief to be granted such persons under this act, which shall be then and there recorded in the books to be kept be the secretary of said Soldiers' Relief Commission. The commission may determine not only the sum to be paid, but the manner of paying the same, and may discontinue the payment of such relief in their discretion, and there shall be no appeal from their decisions.

List of persons entitled to relief.

Amount of relief, how determined.

SEC. 4. Whenever any emergency shall arise in case of sickness, accident or death, which, in the opinion of any supervisor or alderman, needs relief, such supervisor or alderman, when inconvenient to consult any of the members of said commission, shall have the power to draw an order on the county treasurer for a sum not to exceed ten dollars, and shall certify his action and the circumstances of the case to such Soldiers' Relief Commission, which shall ratify the same, and such commission may grant such further relief at any time as it may deem necessary: *Provided however*, That no claim for relief shall be allowed and paid which shall create a deficiency in the fund.

In case of emergency supervisor or alderman shall have power to act.

Proviso.

SEC. 5. Said Soldiers' Relief Commission shall make to the board of supervisors, at its October session in each year, a full report of its doings and the amount of relief money on hand, the amount expended during the year preceding, and the amount estimated for the year ensuing, and such further information and suggestions as they may consider necessary to the discharge of their duties under this act.

Commission to make full report.

Unexpended
moneys may be
transferred to
the general
fund.

SEC. 6. In cases where moneys have heretofore been raised by any city or township under the provisions of the acts hereinafter repealed, the balance of such moneys unexpended on the first day of April, nineteen hundred, may, by vote of the common council or township board, be transmitted to, and made a part of the general fund of such city or township, as the case may be.

Oaths, who may
administer.

SEC. 7. The several commissioners appointed under this act shall have power to administer oaths in the execution of the duties of their offices.

Acts repealed.

SEC. 8. Act number one hundred ninety-three of the public acts of eighteen hundred eighty-nine, same being one thousand nine hundred eighty-four o, Howell's Annotated Statutes, as amended by act number two of the public acts of eighteen hundred ninety-three, and act number two hundred fifty-three of the public acts of eighteen hundred ninety-five, is hereby repealed: *Provided, however,* That the Soldiers' Relief Commission of the several counties now existing thereunder shall be vested with full power and authority to discharge their duties in accordance with the provisions of said act, and the amendments thereof, until the Soldiers' Relief Commission of the county, as provided by section two of this act, has been duly appointed and the members thereof qualified in accordance therewith.

Proviso.

Approved June 1, 1899.

[No. 215.]

AN ACT to amend section forty-seven of act two hundred and six of the Public Acts of eighteen hundred and ninety-three, being "An act to provide for the Assessment of Property and the Levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter levied; making such Taxes a Lien on the Lands taxed, establishing and continuing such lien, providing for the Sale and Conveyance of Lands delinquent for Taxes, and for the Inspection and Disposition of Lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the Public Acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act." The same being compiler's section three thousand eight hundred and seventy of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section forty-seven of act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and

the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," the same being compiler's section three thousand eight hundred and seventy of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

SEC. 47. If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him or them, the township or city treasurer, as the case may be, shall collect the same by seizing the personal property of such person, firm or corporation, to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found [in the State], and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges, in the place where seized, or in the township or city of which he is treasurer, at public auction, on giving public notice of the same at least five days previous to the sale, by posting written or printed notices in three public places in the township, village or city where the sale is to be made, which sale may be adjourned from time to time if he shall deem the same necessary; and in case property shall be seized and advertised as herein directed, during the life of the warrant, the sale may take place at any time within six days after the expiration thereof. If it becomes necessary to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person, firm or corporation from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for want of bidders, and in such cases only, the treasurer shall return a statement of the fact, and such tax shall be returned as unpaid. The township treasurer, if otherwise unable to collect a tax on personal property, may sue the person, firm or corporation to whom it is assessed, in the name of the township, village or city, and garnishee any debtor or debtors of such person, firm or corporation. The tax roll shall be prima facie evidence of the debt sought to be recovered: *Provided*, That when any person having possession of the personal property of any other person, firm or corporation shall be assessed for such property and shall be obliged to pay the taxes thereon, such person, firm or corporation so paying the taxes, may recover of the person, firm or corporation for whose benefit the taxes were paid, the money so paid, with the interest thereon in an action of assumpsit: *Provided further*, That in case where levy is made, as hereinbefore provided, for

Seizure of personal property for taxes.

Sale of seized property.

Notice of sale.

Surplus of sale

Return of unpaid taxes.

Collection by suit.

Proviso as to personal property in possession of another.

When levy shall be released.

taxes assessed upon land, the levy shall be released if, within ten days after it is made, the persons having the title to said land shall deliver to the Commissioner of the State Land Office a deed conveying the land to the State as to an individual, free from all mortgages or liens whatsoever, and in such case the taxes thereon shall be returned as in the case of other taxes unpaid upon lands, and the Auditor General shall charge back to the county all local taxes on said land and shall cancel the State taxes thereon; and in case land is so deeded to the State it shall thereafter be subject to all the provisions of law governing lands deeded to the State by the Auditor General under the provisions of section one hundred twenty-seven of act two hundred six of eighteen hundred ninety-three as amended: *Provided further*, That in case the land is deeded to the State as herein provided the Board of State Auditors shall audit and allow the actual expenses of the township treasurer incurred in making the levy on said land and compensation therefor at two dollars per day, the account therefor to be certified by the Commissioner of the State Land Office, and the amount thereof shall be paid out of the general fund of the State.

Approved June 1, 1899.

Compensation.

[No. 216.]

AN ACT to amend section twenty-six of act eighty-seven of the Session Laws of eighteen hundred fifty-five, entitled "An act relative to burying grounds," being section four thousand seven hundred and fifty-three of Howell's Annotated Statutes, and section eight thousand three hundred eighty-seven of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section twenty-six of act eighty-seven of the session laws of eighteen hundred fifty-five, entitled "An act relative to burying grounds," being section four thousand seven hundred and fifty-three of Howell's Annotated Statutes and section eight thousand three hundred eighty-seven of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Notice of assessment to stockholders.

SEC. 26. Within one month from the time of making any assessment, the clerk of the corporation making the same shall cause public notice of same to be given in such manner as the board of officers shall direct, directing each stockholder to pay his assessment to the treasurer of such corporation within thirty days from the date of such notice; and such assessment shall be, and hereby is declared a personal liability against the person owning such lot or right of burial, and pay-

Assessments personal liability.

ment thereof may be enforced by action of debt or assumpsit in the name of such corporation: *Provided*, That in case any of said stockholders after being notified as above provided shall neglect and refuse to pay said assessment after thirty days from and after the expiration of the time in which the same should be paid, said stockholder shall forfeit all rights he may have in such cemetery corporation excepting the right to keep in repair and protect the graves of all persons buried upon the lot of such stockholder prior to the time when such forfeiture takes place.

Approved June 1, 1899.

[No. 217.]

AN ACT to amend section one of act number one hundred forty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to regulate the use of Steam Engines, Steam Wagons or other Vehicles, which are in whole or in part operated by steam, on the public highways of this State, and to prohibit the blowing of Steam Whistles upon the public highways of this State," being section five thousand five hundred forty-three of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred forty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to regulate the use of steam engines, steam wagons or other vehicles, which are in whole or in part operated by steam, on the public highways of this State, and to prohibit the blowing of steam whistles upon the public highways of this State," being section five thousand five hundred forty-three of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That it shall be unlawful for any person, company or corporation owning or controlling any carriage, vehicle, traction or other engine propelled by steam, by themselves, their servant, agent or employe, to allow the same to stand upon any bridge or culvert in any highway for taking a supply of water, or other purpose; and it shall also be unlawful to permit or use the same to pass over, through or upon any public highway, road or street, unless such owner, owners, agent, servant or employe shall send before the same a person of mature age, at least ten rods and not more than forty rods in advance (except that in incorporated cities and villages such person shall be not less than four rods and not more

Section amended.

Unlawful to allow steam vehicle to stand on bridge.

Owner, etc., to send person in advance when moving.

Duty of owner,
etc., on the ap-
proach of per-
sons with
horses, etc.

than ten rods in advance), to notify and warn persons traveling or using said highway, road or street with horses or other domestic animals, of the approach of such carriage, vehicle or engine. And upon the approach of any person or persons with horse or horses, or other domestic animals, from behind or in front, said owner or owners, agent, servant or employe of such steam vehicle, carriage or engine having the same in charge, shall cause the same to be stopped and the steam of such engine to be immediately shut off, and to render such assistance as will enable such team or teams of horses, or other domestic animals to pass in safety; and at night such person shall carry a red light; and such person shall carry and use plank sufficient to plank all cross-walks.

Approved June 1, 1899.

[No. 218.]

AN ACT to amend sections three and four of act number one hundred nine of the session laws of eighteen hundred forty-eight, entitled "An act to exempt a Homestead from Forced Sale in certain cases," as amended, being sections seven thousand seven hundred twenty-three and seven thousand seven hundred twenty-four of Howell's Annotated Statutes and sections ten thousand three hundred sixty-four and ten thousand three hundred sixty-five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections three and four of act number one hundred nine of the session laws of eighteen hundred forty-eight, entitled "An act to exempt a homestead from forced sale in certain cases," as amended, being sections seven thousand seven hundred twenty-three and seven thousand seven hundred twenty-four of Howell's Annotated Statutes of the State of Michigan, and sections ten thousand three hundred sixty-four and ten thousand three hundred sixty-five of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so that said sections will read as follows:

Proceedings
under levy
when home-
stead has not
been defined.

SEC. 3. Whenever a levy shall be made upon or any circuit court commissioner shall advertise for sale under any decree upon the foreclosure of any mortgage not valid as against a homestead, and so stated in such decree, the lands and tene-ments of a householder whose homestead has not been platted and set apart by metes and bounds, such householder shall notify the officer at the time of making such levy or at the time of such advertising for sale what he regards as his home-stead, with a description thereof, within the limits above pre-

scribed, and the remainder alone shall be subject to sale under such levy or decree. If at the time of such levy or advertising for sale such householder shall fail or neglect to notify the officer making the levy or advertising such property for sale what he regards as his homestead with a description thereof, the officer making the levy or advertising such property for sale shall call upon such householder to make his selection of a homestead out of said land, describing the same minutely. If after such notice the owner of the land shall fail to select his homestead, such officer may select a homestead out of said land for him, and the remainder over and above that part selected by the officer or by the owner of the land, as the case may be, alone shall be subject to sale under such levy or decree: *Provided*, That in making this selection of a homestead out of the lands levied upon or advertised for sale, if such selection is made by the officer making the levy or advertising for sale, he shall select lands in compact form, which lands so selected by him as the homestead of the owner shall include the dwelling-house and its appurtenances thereon.

Failure to notify officer what he regards as his homestead.

When officer may select homestead.

Proviso.

SEC. 4. If the plaintiff in execution or complainant in said decree shall be dissatisfied with the quantity of land selected and set apart as aforesaid either by the owner of the land or by the officer making the levy or advertising the land for sale, he shall cause the same to be surveyed, beginning at a point to be designated by the owner or by the officer making the levy or advertising for sale, and set off land in compact form including the dwelling-house and its appurtenances, to the amount specified in the first section of this act; and the expense of such survey shall be chargeable on the execution or decree and collected thereupon.

Duty of officer in making levy in certain cases.

Expense of survey.

Approved June 1, 1899.

[No. 219.]

AN ACT to provide for the issue of executions at the same time to Sheriffs of different counties, and for the enforcement of the same therein, whether against the property or against the body of any person, for the collection of Judgments and Decrees of Courts of Record in this State.

The People of the State of Michigan enact:

SECTION 1. That executions, whether against the property of any person, or against the body of any person, for the collection of judgments and decrees of courts of record in this State, may be issued at the same time to sheriffs of different counties and enforced therein by them, but no execution against the body of any person shall issue, while there is an execution

Executions, how may be issued.

against his property not returned, nor shall an execution against the property of any person be issued while there is an execution against his body unreturned, unless by order of the court rendering such judgment or decree.

Idem.

SEC. 2. In case of levies made on more than one of such executions provided for in the foregoing section, sale shall only be made on one execution at a time and under direction of the plaintiff's attorney or complainant's solicitor, as the case may be. And no more sales of the property shall be made than is necessary to satisfy such judgment or decree.

Acts repealed.

SEC. All acts or parts of acts contrary to the provisions of this act are hereby repealed.

Approved June 1, 1899.

[No. 220.]

AN ACT to amend sections five, eight and twelve, of chapter twenty-nine of Howell's Annotated Statutes, being compiler's sections fourteen hundred and sixteen and fourteen hundred and twenty-three of Howell's Annotated Statutes, being sections four thousand one hundred and seventy-one and four thousand one hundred and seventy-four of the compiled laws of eighteen hundred ninety-seven, relative to highways, bridges, private roads and ferries.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. That sections five, eight and twelve of chapter twenty-nine of Howell's Annotated Statutes, being compiler's sections fourteen hundred and sixteen and fourteen hundred and twenty-three of Howell's Annotated Statutes, being sections four thousand one hundred and seventy-one and four thousand one hundred and seventy-four of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Duty of highway commissioners relative to returns.

SEC. 5. The commissioner shall between the first and fifteenth days of November in each year call upon each overseer of his township for the purpose of procuring the returns mentioned in section twelve of this chapter, and shall, on or before the twentieth day of November, deposit the returns mentioned in the sixth subdivision of said section with the supervisor of his township, whose duty it shall be to cause the amount of all arrearages of labor, estimating the same at one dollar for each day, to be levied on any lands or other property returned as by said sixth subdivision, and to be collected in the same manner that the contingent charges of the township are collected, and the same, when collected, shall be paid into the

township treasury and credited to the district in which the same accrued.

Sec. 8. Every overseer shall cause the noxious weeds within the limits of the highways within his district to be cut down and destroyed twice in each year, once before the first day of July, and again before the first day of September, and the requisite labor shall be considered highway work; and once in every month, from the first day of April to the first day of December, shall cause all the loose stones lying on the beaten track of every road within his district to be removed. No overseer shall cause the road bed of any highway to be plowed up later than August fifteenth. Any overseer who shall refuse or neglect to perform the duties required by this section shall be liable to a penalty of twenty-five dollars.

Overseer to destroy noxious weeds, remove loose stones, etc.

Sec. 12. Every overseer shall, between the first and fifteenth days of November in each year, render to the commissioner an account in writing, verified by oath, to be administered by the commissioner or some other person competent to administer oaths, and containing:

To render written account, what contain.

First, The names of all persons assessed to work on the highways in his district;

Second, The names of all those who have actually worked on the highways, with the number of days they have worked;

Third, The names of all those against whom judgments have been recovered by virtue of this act, and the sums so recovered;

Fourth, The names of all those who have commuted, and the amounts paid by them, and the manner in which the moneys arising from judgments and commutation have been expended by him;

Fifth, A list of all the non-resident lands in his district upon which labor has been performed or commuted for;

Sixth, A separate list, to be verified in like manner, of all the lands of non-residents and of persons unknown which are taxed upon his list, on which the labor assessed has not been paid, and the amount unpaid; also a list of all lands and personal property assessed as resident for which the owner or occupant shall not have commuted or shall have refused or neglected to work after being notified; and containing a further statement that he has given the notice required by section three of chapter three of this act and that the labor assessed upon the lands and personal property so returned has not been performed and remains unpaid, and the amount unpaid.

Approved June 1, 1899.

[No. 221.]

AN ACT to compel parties engaged in securing Ice to erect suitable Danger Signals and Barricades, designating what officials it shall be the duty of to see that the provisions of this act are complied with, and to repeal act number one hundred of the public acts of eighteen hundred seventy-seven, entitled "An act to compel parties engaged in securing Ice to erect Danger Signals," being sections nine thousand one hundred nineteen and nine thousand one hundred twenty of Howell's Annotated Statutes of the State of Michigan and sections eleven thousand five hundred twenty-five and eleven thousand five hundred twenty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Danger signals,
etc., to be
erected.

Barricades,
etc., of what
to consist, and
how made.

Who to enforce
provisions
of act.

Misdemeanor.

Penalty.

Act repealed.

SECTION 1. That it shall be the duty of any person or persons who are, or who hereafter may be, engaged in the procuring of ice from any of the streams, ponds or lakes of this State to erect, or cause to be erected, place, or cause to be placed, at or near all places where they shall be cutting ice, suitable danger signals and barricades. Such barricades shall consist of cross bars upon which a pole, rope, chain or rail shall be laid at a height not less than three feet above the ice and shall be placed not less than ten feet from the edge of the opening.

SEC. 2. It shall be the duty of the harbor-master at all places where there is such an official having control of a stream or lake within this State, and where there is no such an official having control as aforesaid, it shall be the duty of the supervisor or other assessing officer in whose assessment district such stream or lake is situated to see that the provisions of section one of this act are complied with.

SEC. 3. Any person or persons who shall neglect or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Act number one hundred of the public acts of eighteen hundred seventy-seven, entitled "An act to compel parties engaged in securing ice to erect danger signals," being sections eleven thousand five hundred twenty-five and eleven thousand five hundred twenty-six of the compiled laws of eighteen hundred ninety-seven, is hereby repealed.

Approved June 1, 1899.

[No. 222.]

AN ACT to amend act number one hundred and ninety-eight of the public acts of eighteen hundred and seventy-seven, entitled "An act to provide for a tax upon Dogs and to create a Fund for the payment of certain damages for Sheep killed or wounded by them in certain cases," as amended by act number one hundred and seventy-nine of eighteen hundred and ninety-five, being sections fifty-five hundred and ninety-six to fifty-six hundred and five inclusive, compiled laws of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That act number one hundred and ninety-eight of the public acts of eighteen hundred and ninety-seven, entitled "An act to provide for a tax upon dogs and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases," as amended by act number one hundred and seventy-nine of eighteen hundred and ninety-five, being sections fifty-five hundred and ninety-six to fifty-six hundred and five inclusive, compiled laws of eighteen hundred and ninety-seven, be and the same is hereby amended so as to read as follows: Act amended.

SECTION 1. The township board of every township and the common council of every city shall, at the first regular meeting held after the passage of this act and at the first regular meeting held after the first Monday in April in each year thereafter, appoint some suitable elector of the township or city, who shall be known and designated as dog warden, and who shall hold his office until the first day of May in the year following that in which he is appointed, or until his successor is appointed and qualifies. The said dog warden shall take and subscribe to the constitutional oath of office and shall make, execute and deliver to the township or city clerk, a bond to the people of the State of Michigan in the sum of five hundred dollars, conditioned upon the faithful performance of the duties of his office. The sufficiency of such bond shall be determined by the board by which the appointment is made. Dog warden, when appointed.

To subscribe oath and execute bond.

SEC. 2. Every person owning or harboring any male dog three months old or over shall pay to the dog warden annually the sum of one dollar for each such dog owned or harbored by him; and every person owning or harboring any female dog three months old or over shall pay to said dog warden annually the sum of three dollars for each such dog. Seventy-five per cent of all sums so received shall be paid over by the dog warden to the township or city treasurer, respectively, and retained by said treasurer in a separate fund, subject to orders drawn thereon as provided in sections four, five and six of this act. Said tax shall be deemed to be due and payable by the owner or harbinger of any dog on the first day of May in each year or on any Amount of tax upon dogs.

Per cent tax to be paid treasurer.

Tax when due.

day thereafter where such dog shall be owned or harbored and until said tax on such dog has been paid, and whenever paid on any dog shall be deemed to be the payment of the tax due on said dog to and including the thirtieth day of April following the payment. The tax provided for by this act shall not be deemed to be in lieu of any dog license imposed by the ordinances of any city or village, nor shall the payment of such city or village license release any person from the payment of the tax imposed by this act.

Tax not to be in lieu of dog license imposed by cities, etc.

Warden to issue receipt for tax.

Receipt to contain description and number.

Duplicate receipts to be delivered to clerk.

Warden to furnish metal label how numbered, etc.

Fee for killing dogs.

Accounts to be verified by oath.

Amount of tax retained for compensation.

Proviso as to blank receipts.

Proviso as to application of certain sections of this act.

SEC. 3. The dog warden shall give to each person paying the tax on any dog a receipt for the amount paid, which receipt shall bear the date on which payment is made, shall describe the dog on which the tax was paid, and shall be numbered with a serial number and the year, the first receipt given on or after May one, eighteen hundred ninety-nine, being numbered "Number one, eighteen hundred ninety-nine," and successive receipts given thereafter and before May one, nineteen hundred, being given the serial number in the series of eighteen hundred ninety-nine, and the same system of numbering being repeated in each succeeding year. On the first day of each month the dog warden shall deliver to the township or city clerk duplicates of the receipts issued by him during the preceding month.

SEC. 4. The dog warden shall give to each person paying the tax on any dog a metal label that may be securely affixed to a dog collar. Such label shall bear the serial number and year as does the receipt given, and any dog found by the dog warden and which is not wearing a collar bearing the label issued by him for the fiscal year when found, shall be killed by said warden or by any person appointed by him for such service; and the dog warden shall be entitled to and shall receive one dollar for each dog so killed within his jurisdiction, to be paid out of the fund created by this act, on allowance of his account therefor by the township board or the common council of the city. Such account shall be verified by the oath of the dog warden, and the board or council may require such further proof as is satisfactory to it.

SEC. 5. The dog warden shall retain twenty-five per cent of the dog tax received by him, which shall be his compensation for all services and expenses except his fees for killing dogs on which the tax has not been paid, as provided in the preceding section: *Provided however*, That the township or city clerk shall provide the said dog warden with suitable receipts for use as provided in section three of this act and the township board or common council shall cause payment therefor to be made from the fund herein created: *Provided further*, That sections one, two, three, four and five of this act shall not apply to any city whenever said city has and enforces an ordinance imposing a tax or license fee on every dog owned or harbored in said city, and which provides for payment of damages to sheep by dogs.

SEC. 6. Whenever any person shall sustain a loss by the killing or wounding of his sheep or lambs by a dog or dogs, he may call on a disinterested justice of the peace of the township or city where such killing or wounding occurred, not of kin to such person, and not a member of the township board or city council, who shall proceed to view the sheep or lambs so killed or wounded, and if, from such view, he shall be satisfied that the same were killed or wounded by a dog or dogs, he shall make a certificate thereof in writing, stating the amount of damage sustained by such person, and shall deliver the same to the clerk of said township or city, who shall file the same in his office and record it in the records of the township or city. The said justice shall receive for his services in each case the sum of two dollars, to be paid out of the aforesaid fund, on the order of the township board or proper city officer or officers.

Justice, etc., to
view sheep
killed by dogs.

Certificate of
damages.

Fees of justice.

SEC. 7. At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk, as aforesaid, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such loss as they may consider just out of the fund aforesaid, if it be sufficient for that purpose, and if not sufficient, they may order a proportionate payment of each claim. If money remains of such fund after satisfactory payment of all claims aforesaid in any one year, over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age: *Provided*, That no payment of loss shall be made as provided for in this section unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage.

Payment of
damages.

Apportionment
of surplus.

Proviso.

SEC. 8. Any township or city officer who shall wilfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

Penalty on officer for neglect of duty.

SEC. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of fifteen days previous to the assessment of a tax or previous to any injury, chasing, worrying or killing sheep, shall be deemed the owner of such dog for all purposes of this act.

Person possessing dog fifteen days, deemed owner.

Penalty for
keeping sheep
killing dogs.

SEC. 10. Any person or persons who shall knowingly keep any dog known to be a sheep killing dog, or who shall keep any such dog after it shall come to the knowledge of such person that such dog has been engaged in the killing of sheep, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Approved June 1, 1899.

[No. 223.]

AN ACT to amend section seven of chapter seven of act number three of the public acts of eighteen hundred and ninety-five, entitled "An Act to Provide for the Incorporation of Villages within the State of Michigan and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, the same being compiler's section two thousand seven hundred seventy-five of the Compiled Laws of eighteen hundred ninety-seven, and to add two new sections thereto to stand as sections sixty-three and sixty-four.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section seven of chapter seven of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," the same being compiler's section two thousand seven hundred seventy-five of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended, and that two new sections be added to said act to stand as sections sixty-three and sixty-four, so as to read as follows:

Supervision of
streets, bridges
and public
grounds.

SEC. 7. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the village, and shall have the like authority over the same as is given by the general laws of the State. No village subject to the provisions of this act shall be liable in damages sustained by any person in such village, either to his person or property, by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in such village unless such person shall serve or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the clerk or deputy clerk of such vil-

Liability for
damages sus-
tained on.

lage, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such village liable for such damages as may have been sustained by him: *Provided*, That the bridges within the limits of any village incorporated under this act in the highways leading into or through the said village which have been laid out or shall hereafter be laid out by the commissioner of highways of the township or townships in which said village may be located, or laid out by any other authority other than that of said village, shall be built, controlled and kept in repair by the township or townships in which the same may be located, the same as if said village were not incorporated and the fact that any such highways are laid out and used as such at the time of such incorporation of said village shall be deemed sufficient to make the same township highways, and the township or townships in which they may be located liable as aforesaid, and all other bridges in said village shall be built, controlled and kept in repair by said village.

Proviso as to
care of bridges.

SEC. 63. The board of cemetery trustees created under this act shall have power to receive in trust moneys or property by way of gifts, grants, devises or bequests for cemetery purposes. All moneys and property which may be so received by said board of cemetery trustees by way of gifts, grants, devises or bequests for cemetery purposes, shall be held in trust by said board, subject to the terms and conditions on which the same may be given, granted, devised or bequeathed, and the same shall constitute a trust fund, and if in money, shall, unless otherwise expressed by those making such gifts, grants, devises or bequests, be invested as permanent fund in undoubted real estate security, U. S. bonds, State bonds, or municipal bonds, the interest thereon after fulfillment of such conditions expressed, to be used in improving the cemetery under the control of said board, and no part of such gifts, grants, devises or bequests shall be used or appropriated for other than cemetery purposes.

Power of cemetery trustees
relative to
gifts, etc.

SEC. 64. The board of cemetery trustees shall have full power and authority to make all requisite and necessary rules and by-laws to carry into effect the powers vested and duties required by section sixty-three of this act; and such by-laws shall be entered upon and recorded in a book to be kept for that purpose. Said board of cemetery trustees shall also appoint a treasurer from their membership, whose duties shall be, under the direction of said board, to receive, account for and invest all moneys received by said board under section sixty-three of this act. Said treasurer shall give and execute a bond to the board of cemetery trustees in the penal sum fixed by the council.

Further
powers.

Approved June 7, 1899.

[No. 224.]

AN ACT to amend sections one, three and four of act number one hundred forty-nine of the Public Acts of eighteen hundred ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and powers and duties thereof, and to repeal all acts and parts of acts contravening the provisions of this act," as amended by act number one hundred twenty-five of the Public Acts of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one, three and four of act number one hundred forty-nine of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and the powers and duties thereof, and to repeal all acts and parts of acts contravening the provisions of this act," as amended by act number one hundred twenty-five of the public acts of eighteen hundred ninety-seven, be and the same are hereby amended to read as follows:

When supervisors
to elect canvassers by
ballot.

SECTION 1. That at the regular annual meeting of the board of supervisors of each organized county in the State of Michigan, for the year eighteen hundred ninety-six and each second year thereafter, there shall be elected by ballot three electors, neither of whom shall be a candidate for office at the general election ensuing, who together with the county clerk, who

County clerk to
be a member of
board.

Proviso.

shall not be entitled to a vote on said board, shall be and are hereby constituted a board of county canvassers. *Provided*, That no person shall be eligible to membership on said board of canvassers who is a member of said board of supervisors. And it shall be the duty of the clerk of said board of supervisors to notify said electors of their election within five days thereafter. Said board of supervisors shall, at the time of electing such board of county canvassers, fix the amount of their compensation, which shall not exceed four dollars per day for each member of said board, which shall be paid by the county treasurer upon the warrant of the county clerk:

Supervisors to
fix compensation.

Proviso as to
Wayne county.

Provided, That in Wayne county said board of county canvassers shall consist of five members, as follows: The probate judge, who shall be the presiding officer of such board; the county treasurer, with the two members of the board of Wayne county auditors having the longer term to serve, and one other citizen elector to be chosen by a plurality viva voce vote of the board of supervisors of said county at their regular annual meeting. Said board of supervisors shall, at the same time and in the same manner, elect an alternate member of said board, who will be entitled to serve as a member of said board in case of a vacancy on said board on account of disability, absence or other cause.

SEC. 3. It shall be the duty of said board of county canvassers to convene at the office of the county clerk on the first Tuesday after the first Monday following each election in said county, before the hour of one o'clock p. m., and to elect one of their number to act as chairman, except as is especially provided in section one of this act. The county clerk shall act as clerk of said board, but, in the event of his unavoidable absence, the board may select one of his deputies to act in his stead. In case of any vacancy on said board, by reason of absence or disability under the provisions of this act, it shall be filled by the members of the board present, who shall select some person or persons eligible to have been elected in the first instance, as set forth in section one of this act.

When board
to convene.

County clerk to
be clerk of
board.

Vacancy, how
filled.

SEC. 4. The said board shall then proceed, without delay, to canvass the return of votes cast for all candidates for office voted for and all other questions voted on at said election, according to the returns filed in the office of the county clerk by the several boards of election inspectors of the various voting precincts in the county. If it shall be found, upon the convening of said board of canvassers, that the returns from the various boards of election inspectors of the several townships are missing or incomplete, or for any other reason, it is found necessary to return the same, then said board of county canvassers shall have power to adjourn from day to day until said returns shall have been procured or corrected. When said canvass shall have been finished the said board of county canvassers shall prepare a statement setting forth their findings in the premises, and giving in detail the number of ballots cast for each candidate and the result of the votes cast on all other questions voted on at said election. They shall certify thereto under their hands and the seal of the circuit court of the county. It shall also be the duty of said board to declare the result of the election for county officers and members of the legislature, when the county alone constitutes one or more senatorial or representative districts, and to publish said result and a statement of votes cast, within thirty days after said election is held, in at least two newspapers printed and circulating in said county.

Board to canvass
vote.

When returns
are incomplete,
board may
adjourn.

Duty of board
upon completing
canvass.

Approved June 7, 1899.

[No. 225.]

AN ACT to provide for the incorporation of Mennonite Brethren in Christ churches.

The People of the State of Michigan enact:

Number who
may incor-
porate.

SECTION 1. It shall be lawful for any number of persons not less than five, of full age, with the consent of the presiding elder of the district in which the proposed church is to be located, to organize and procure the incorporation of a Mennonite Brethren in Christ church.

To execute ar-
ticles of in-
corporation.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of association in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and usages of the Mennonite Brethren in Christ church. To such articles of association there shall be attached a certificate by the presiding elder of the district in which said church is to be located, that said church was organized by the consent of said presiding elder.

Elder to attach
certificate of
consent.

What articles
to contain.

SEC. 3. Said articles of association shall contain the following items:

First. The name of said church.

Second. The township, village or city, and the county in which it shall be located.

Third. An agreement to worship and labor together according to the discipline, rules and usages of the Mennonite Brethren in Christ church.

Said articles may be in the following form: We, the undersigned, desiring to become incorporated under the provisions of act number — of the public acts of eighteen hundred ninety— entitled "An act to provide for the incorporation of Mennonite Brethren in Christ churches," do hereby make, execute and adopt the following articles of association, to wit:

First, The name assumed by the corporation and by which it shall be known in law, is "The — Mennonite Brethren in Christ church."

Second, The location of said church shall be in the — of — county of — and State of Michigan.

Third, The members of said church shall worship and labor together according to the discipline, rules and usages of the Mennonite Brethren in Christ church, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said corporation is situated. In witness whereof, we, the parties hereby associating for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence. Done at the — of — county of — and State of Michigan this — day of — A. D. —

(Signatures.)

(Residences.)

State of Michigan, }
County of _____ } ss.

On this _____ day of _____ A. D. _____ before me, a _____ in and for said county, personally appeared _____, known to me to be the persons named in, and who executed, the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

I, _____, presiding elder of the _____ district of the _____ annual conference of the Mennonite Brethren in Christ church, the same being the district in which the church mentioned in the foregoing articles of association is to be or is now located, do hereby certify that such church was organized by my consent and concurrence.

Dated at _____ Mich., _____ A. D. _____

Presiding Elder.

SEC. 4. Said articles of association, with the said certificate of the presiding elder attached thereto, shall be recorded in the office of the county clerk of the county wherein said church or their place of worship shall be located, such record to be made in a book provided by said clerk for that purpose; and such clerk shall be entitled to ten cents for each folio for recording the same. When said articles of association and said certificate shall have been recorded or left for record in the office of the said county clerk, the said persons so signing said articles of association, and their associates and fellow members of said church and all who may thereafter become members of said church according to the discipline, rules and usages of the Mennonite Brethren in Christ church, shall thereby become and thenceforth be a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights and privileges appertaining to religious corporations by the laws of this State.

Articles when recorded.

Body politic.

SEC. 5. Said church, when so organized, shall be in all matters of church government and ecclesiastical polity subject to the discipline, usages and ministerial appointments of the Mennonite Brethren in Christ church, as from time to time authorized by the general conference of said church, and the annual conference within whose bounds said corporation may be situated.

Rules and discipline, to govern.

SEC. 6. The secular affairs of said church shall be managed by a board of trustees elected and organized according to the provisions of the book of discipline of the Mennonite Brethren in Christ church, who shall hold their office until their successors are elected and accept their trust unless they previously forfeit their membership, in which case they shall also forfeit their trust as a trustee.

Who to manage affairs.

**Rights and
privileges.**

SEC. 7. Said corporation may have a seal, and alter the same at pleasure. It may, in its corporate name, sue and be sued in all courts of this State. It shall have power to acquire, hold, sell, move and convey property, both real and personal, in accordance with this act, and it may recover and hold all the debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize one or more of said board to affix the name and seal of said corporation, and to execute and attest conveyances, notes, obligations, acquittances, and all necessary legal documents. It may sell (but not mortgage) or otherwise dispose of its personal property, and it may, under restrictions hereinafter provided, sell, mortgage or otherwise dispose of or incumber its real estate, but not for current expenses. It may hold so much land as may be needed for the proper purposes of the church and its parsonage. It may also hold, for a period not to exceed ten years, real estate, which may be conveyed or devised to it or to said trustees to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit all ministers belonging to the Mennonite Brethren in Christ church as shall from time to time be duly authorized by the general conference or the annual conference, within whose bounds the said corporation may be, to preach and expound God's holy Word therein; and shall permit presiding elders and pastors, duly appointed, to execute the discipline of the Mennonite Brethren in Christ church, and to administer the sacraments therein.

**Power of
trustees.**

SEC. 8. The trustees shall have power, according to the terms and limitations of the discipline of the Mennonite Brethren in Christ church, as from time to time authorized and declared by the general conference of said church, to purchase, build, repair, lease, sell, rent, mortgage, encumber or otherwise dispose of property: *Provided*, That in case of selling, mortgaging or otherwise encumbering or disposing of real estate, the consent of the presiding elder and minister in charge be obtained: *And provided further*, That in case the said presiding elder and minister in charge shall refuse or withhold their consent to the selling, mortgaging, encumbering or disposing of real estate, appeal may be had to the annual conference at its next session, and said appeal shall be final.

Proviso.**Further
Proviso.****When trustees
authorized to
sell property.**

SEC. 9. Whenever it shall become necessary, for the payment of debts or with a view of reinvestment, to make a sale of any real estate belonging to said church, the quarterly conference of said church may, by a vote of a majority of all the members of said quarterly conference and the consent of the annual conference of which said church shall be a part, au-

thorize a sale of said real estate by the trustees of said church with such limitations and restrictions as the quarterly conference and annual conference may judge necessary and impose, and the trustees of said church, when so authorized, may sell and convey said property, and with the proceeds of such sale pay the debts of such corporation, or reinvest the said proceeds by the purchase or improvement of other property for the same uses, and deeded to the corporation in the same manner as provided in section seven of this act, as said trustees may be directed by the quarterly conference and the annual conference.

SEC. 10. In all cases where property belonging to any church society incorporated under the provisions of this act has been abandoned, or is no longer used for the purpose for which said property was acquired, or for the benefit of said church society, and has not been conveyed by said society, under the provisions of this act, or said corporation has dissolved or become extinct, the title to said property belonging to said corporation shall pass to the annual conference within whose bounds said property is located. And such annual conference may, by such officer or committee as said conference may designate, for that purpose, apply to the circuit court for the county in which said property may be, for license to sell the same. And such license may be granted by said court, after such notice of said application as the court may direct, and thereupon said property may be sold and the proceeds of such sale applied or used as said annual conference may direct.

Disposition of abandoned property.

SEC. 11. In all suits or legal proceedings brought against corporations organized under the provisions of this act, process may be served on the chairman of the board of trustees.

On whom process may be served.

SEC. 12. It shall be lawful for any church organized under the provisions of this act, by a two-thirds vote of the quarterly conference of said church, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act, or the book of discipline of the Mennonite Brethren in Christ church; and such alteration or amendment shall become operative when two-thirds of the members of the quarterly conference shall execute amended articles and said amended articles are acknowledged in the same manner as stated in section three of this act, and the presiding elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section four of this act.

Articles of association how amended.

When to become operative.

SEC. 13. In all proceedings or suits that may arise, or be brought in any of the courts of this State, touching or in any way concerning churches that may be incorporated under this act, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the

Acts how interpreted and construed.

rights and privileges granted by this act to churches incorporated thereunder.

What shall be
prima facie
evidence.

SEC. 14. It is further provided, That the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees, and that the necessary steps have been taken to give them full authority to make such transaction.

Approved June 7, 1899.

[No. 226.]

AN ACT making appropriations for the Michigan Pioneer and Historical Society for the fiscal years ending June thirty, nineteen hundred and nineteen hundred one.

The People of the State of Michigan enact:

Appropriation,
how used.

SECTION 1. There is hereby appropriated from the general fund to the Michigan Pioneer and Historical Society the sum of one thousand five hundred dollars for each of the fiscal years ending June thirty, nineteen hundred and nineteen hundred one, to be used, in the discretion of the executive committee of said society, in collecting, arranging and preserving a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of and relating to the history of Michigan; to rescue from oblivion the memory of its early pioneers; to procure and preserve narratives of their early exploits, perils, privations, hardy adventures and noble achievements; and also in collecting material of every description relative to the history, genius, progress or decay of our Indian tribes; to exhibit faithfully the past and present resources of Michigan, and for the publication of additional volumes of historical and other material relative to and illustrative of the history of Michigan.

Volumes, how
printed style,
etc.

Said Michigan Pioneer and Historical Society shall collect, arrange and prepare the materials for said volumes for printing, which shall be printed by the State printer under the direction and superintendence of said society, the cost of said printing to be paid out of the above appropriation, which volumes, of not more than two thousand copies each, and containing not more than seven hundred and fifty pages each, shall be printed and published in the kind of type, quality of paper and style of binding and printing as those heretofore published by said society.

Number depos-
ited in State
library.

SEC. 2. Three hundred copies of each volume published, as heretofore in this act provided for, shall be deposited in the

State Library of Michigan, for exchange with the pioneer and historical societies of domestic and foreign states and governments, and the officers of said Michigan Pioneer and Historical Society shall make a further distribution of one copy of each of said volumes to each of the duly and legally incorporated public libraries in the State of Michigan, when authoritatively and officially requested so to do by legally elected officers, or other legally constituted managers, of said public libraries. The residue and remainder of said copies of said volumes shall be delivered to and be in the custody and care of the State Librarian, to be sold by said librarian at a price not less than seventy-five cents per copy, and the moneys arising from such sales shall be deposited in the State treasury to the credit of the general fund.

Distribution to public libraries.

State Librarian, to have custody of residue.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Pioneer and Historical Society at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Appropriations how paid.

SEC. 4. The said State Pioneer and Historical Society shall also cause to be reprinted and bound not to exceed one thousand five hundred copies each of volumes one and two of these series of books, the same to be paid for by the State Board of Auditors, said books to be disposed of in all respects as the rest of said series is disposed of. The cost of such printing and binding shall not exceed that paid per volume for the current volume.

Number authorized to reprint, how disposed of, cost, etc.

Approved June 7, 1899.

[No. 227.]

AN ACT to provide a permanent Forestry Commission for the State of Michigan, to define its powers and duties, and to provide for expenses.

The People of the State of Michigan enact:

SECTION 1. A commission to consist of three members is hereby constituted, one the Commissioner of the State Land Office, and two to be chosen by the Governor by and with the advice and consent of the Senate; one of whom shall hold his office for the term of two years and one for four years. The appointment shall date from July first, eighteen hundred ninety-nine. The term of the Commissioner of the State Land Office as a member of this commission shall be co-extensive with his term as Commissioner of the State Land Office. At the expiration of the terms of the appointive members their

Commission, of whom composed, term of office, etc.

Officers, how
chosen.
Office, where
located.

Traveling ex-
penses, postage,
etc., allowed.

Proviso as to
salary of
secretary.
Further
proviso.

Duty of com-
missioners.

Duty of land
commissioner.

Withdrawal of
State lands.

successors shall be appointed, each for a term of four years. Such commission shall elect one of its members president, another member secretary. It shall maintain its office and records in the Capitol at Lansing in the State Land Office, and shall serve without compensation, but shall be entitled to traveling and other expenses while on business relating to the work of the commission. Also all necessary cost of postage, stationery and printing and other incidental expenses: *Provided*, That the secretary may be paid such amount as the commission may determine, not to exceed three hundred dollars per annum: *And provided further*, That all accounts shall be audited by the State Board of Auditors.

SEC. 2. It shall be the duty of such Forestry Commission to institute inquiry into the extent, kind, value and condition of the timber lands of the State; the amount of acres and value of timber that is cut and removed each year, and the purposes for which it is used; the extent to which the timber lands are being destroyed by fires, used by wasteful cutting for consumption, lumbering, or for the purpose of clearing the land for tillage. It shall also inquire as to the effect of the diminution of timber and wooden surface of this State in lessening the rainfall and producing droughts, and the effects upon the ponds, rivers, lakes and the water power and harbors of the State and affecting the climate and disturbing and deteriorating natural conditions. It shall also examine into the production, quantity and quality of second growth timber and note and report upon all facts, improvements and changes in reference thereto, also as to the condition, protection and improvement of denuded, stump, swamp and overflowed lands, and what means it may deem expedient in carrying into full effect the intent and purpose of this act. The commission shall recommend to the Legislature, in the year nineteen hundred one, within ten days from its opening, their findings, in the form of a bill or bills to carry out the objects for which this commission is appointed.

SEC. 3. It shall be the duty of the Commissioner of the State Land Office to furnish the commission any and all data concerning lands of all classes in which the State is directly or indirectly interested, that may be valuable in formulating a method of managing State lands suitable for the growing of forests. He shall also as far as possible aid the commission in its investigations and render all the assistance in his power in preparing a report which shall embody a definite forestry policy for the State of Michigan.

SEC. 4. Upon the recommendation of the said Michigan Forestry Commission the Commissioner of the State Land Office shall withdraw from sale two hundred thousand acres of lands known as State Tax Homestead lands and Swamp lands belonging to the State, and withhold the same until after the adjournment of the Legislature after such reserva-

tion. The commission shall be authorized to receive by deed to the State, from the owners, any tracts of land which in its judgment may be suitable as forest reserves, to be kept by the State: *Provided, however,* That this act shall not be construed so as to affect in any manner the rights or interests of any person to or in any lands which such person may have acquired previously to the day on which this act shall go into effect.

Authorized to receive land.

Proviso.

SEC. 5. Said commission shall make an annual report to the Governor, on or before the first day of December in each year, of such facts and statistics as it may deem of public interest, and recommend such legislation as may be necessary for the preservation and restoration of the timber and forestry of the State, or any portion thereof, and cause such number of reports, not exceeding two thousand copies, to be printed each year for public use and distribution, which report shall be printed by the Board of State Auditors. The expense of the commission, as provided in section one of this act, shall be paid on vouchers certified by the president of the commission to the Auditor General and paid by the State Treasurer, out of the general fund, upon the warrant of the Auditor General: *Provided,* That not more than two thousand dollars shall be expended by the State in any one year under the provisions of this act.

Annual report, to whom and when made.

Report to be printed.

Expenses, how paid.

Proviso limiting expenses.

Approved June 7, 1899.

[No. 228.]

AN ACT to amend section three of act number twenty of the Public Acts of eighteen hundred forty-two, relative to the public funds, and moneys receivable for debts, taxes and other dues to the State, the same being compiler's section eleven hundred seventy-nine of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section three of act number twenty of the Public Acts of eighteen hundred forty-two, relative to the public funds and moneys receivable for debts, taxes and other dues to the State, the same being Compiler's section eleven hundred seventy-nine of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 3. (308) Whenever any check or bank draft shall be tendered for the payment of any debt, taxes or other obligation due to the State or to any municipality therein, such check or draft shall operate as a payment made on the date said check or draft was received and accepted by the receiving officer,

When check or bank draft to operate as payment.

Proviso as
to tender.

if it shall be paid on presentation without deduction for exchange or cost of collection: *Provided, however,* That no receiving officer shall be required to receive in payment of any debt, taxes or other obligation collectible or receivable by him any tender other than gold or silver coin of the United States, United States treasury notes, gold certificates, silver certificates, or national bank notes.

Approved June 7, 1899.

[No. 229.]

AN ACT to Regulate the Practice of Horseshoeing in the State of Michigan.

The People of the State of Michigan enact:

Horseshoers in
certain cities
to be registered.

SECTION 1. That no person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State of a population of ten thousand or upwards, unless he is duly registered and has been granted a certificate by the Board of Examiners, as hereinafter provided.

Board of exami-
ners, of who to
consist.

SEC. 2. A board of examiners, consisting of one veterinary surgeon, two master horseshoers and two journeyman horseshoer is hereby created, all of whom shall be residents of this State and shall have had at least five years practical experience in their respective professions, and whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the Governor, by and with the consent of the Senate, and the term of office shall be five years, except that the members of said board first appointed shall hold office for the terms of one, two, three, four and five years, as may be designated by the Governor, and until their successors shall be duly appointed and shall have qualified.

Who to appoint.

Term of office.

Board to elect
president and
secretary.

SEC. 3. Said board shall within thirty days after its appointment, meet and organize by the election of a president and secretary from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board of examiners to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to investigate complaints and to cause the prosecution of all persons violating its provisions; and to report annually to the Governor, which said report shall contain a record of the proceedings of said board for the year, and also the names of all the master and journeyman horseshoers registered under the provisions of this act. The board shall hold meetings for the examination of applicants for registration

Duty.

Report.

Meetings, when
and where held.

or the transaction of such other business as shall pertain to its duty, at least once in six months, said meetings to be held on the first Tuesdays of March and September in each year, and as much oftener and at such times and places as they may deem necessary; it shall make by-laws for the proper fulfillment of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act. The records of said board, or a copy of them or any part thereof, certified by the secretary to be a true copy, and attested by the seal of the board, shall be accepted as competent evidence in all courts of the State. Three members of said board shall constitute a quorum.

SEC. 4. The secretary of the board and the treasurer thereof, if such office be created separately, shall receive a salary which shall be fixed by the board, and the members of said board shall receive the amount of their traveling expenses incurred in the performance of their official duties, and a per diem salary of three dollars. Said salaries, per diem and expenses shall be paid out of the fees received under this act and not otherwise, and in no case shall the expenses and per diem provided for by this section be paid by this State. All moneys received by the said board in excess of said per diem allowance and other expenses above provided for shall be paid into the State Treasury at the end of each year, and so much thereof as shall be necessary to meet the current expenses of said board shall be subject to the order thereof, if, in any year, the receipts of said board shall not be equal to its expenses. The board shall make an annual report and render an account to the Board of State Auditors of all moneys received and disbursed by it pursuant to this act.

SEC. 5. Every person who shall, within six months after this act takes effect, forward to the board hereby created satisfactory proof, supported by his affidavit, that he was engaged in practicing, either as a master or a journeyman horseshoer, in this State at the time of the taking effect of this act, shall, upon the payment of a fee of three dollars to the board, be registered as a master or journeyman horseshoer and be granted a certificate to practice as such: *Provided*, That in case of failure or neglect to register as herein provided, then such person shall, in order to receive a certificate pass an examination provided for in section six of this act.

SEC. 6. No person shall be entitled to register under this act, except as provided in section five, unless such person shall be of the age of eighteen years, and shall have passed a satisfactory examination touching his competency before the Board of Examiners created under the provisions of this act, and shall have been granted by the board a certificate to practice as a master or journeyman horseshoer: *Provided however*, That upon satisfactory proof, the secretary of the board, when the board is not in session, may grant a temporary certificate

Compensation
of board.

Annual state-
ment.

Who may be
registered.

Fee.

Proviso.

Who entitled
to register.

Proviso.

Proviso as to
examination.

Violation of act
a misdemeanor.

to any person making an application for examination, which temporary certificate shall entitle the said person to practice as a master or journeyman horseshoer until his examination by the said board. Every person applying for a certificate under the provisions of this act shall, before an examination is granted, furnish satisfactory evidence that he is of temperate habits, and pay to the board a fee of three dollars, and appear before said board at such time and place as said board may direct: *Provided*, In case of failure of any applicant to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within one year.

SEC. 7. Any person who shall exhibit any certificate which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor.

Approved June 8, 1899.

[No. 230.]

AN ACT to amend section one of chapter one hundred twenty-one of the revised statutes of eighteen hundred and forty-six, relative to Contempt Proceedings to enforce Civil Remedies, the same being Compiler's section seven thousand two hundred and fifty-seven of Howell's Annotated Statutes and section ten thousand eight hundred ninety-one of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of chapter one hundred twenty-one of the revised statutes of eighteen hundred and forty-six, relative to contempt proceedings to enforce civil remedies, the same being compiler's section seven thousand two hundred and fifty-seven of Howell's annotated statutes and section ten thousand eight hundred ninety-one of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Cases in which
courts of record
may punish for
misconduct.

SEC. 1. Every court of record shall have power to punish by fine and imprisonment, or either, any neglect or violation of duty, or any misconduct, by which the rights or remedies of a party in a cause or matter depending in such court, or triable therein, may be defeated, impaired, impeded or prejudiced in the following cases:

1. All attorneys, counsellors, solicitors, clerks, registers, sheriffs, coroners, and all other persons in any manner duly elected or appointed to perform any judicial or ministerial ser-

vices, for any misbehavior in such office or trust, or for any wilful neglect or violation of duty therein; for disobedience of any process of such court, or any lawful order thereof or of any lawful order of a judge of such court, or any officer authorized to perform the duties of such judge.

2. Parties to suits for putting in fictitious bail or sureties, or for any deceit, or abuse of the process or proceedings of the court.

3. Parties to suits, attorneys, counsellors, solicitors, and all other persons, for the non-payment of any sum of money ordered by such court to be paid, in cases where by law execution cannot be awarded for the collection of such sum; the disobedience of [or] refusal to comply with any order of such court for the payment of alimony, either permanent or temporary, made in any suit for divorce; and any other disobedience to any lawful order, decree or process of such court.

4. All persons for assuming to be officers, attorneys, solicitors or counsellors of any court, and acting as such without authority; for rescuing any property or persons, which shall be in the custody of an officer by virtue of process issued from such court; for unlawfully detaining any witness or party to a suit, while going to, remaining at, or returning from the court where such suit shall be noticed for trial; and for any other unlawful interference with the process or proceedings in any action.

5. All persons summoned as witnesses, for refusing or neglecting to obey such summons, or to attend, or to be sworn, or answer as such witness.

6. Persons summoned as jurors in any court, for improperly conversing with any party to a suit to be tried at such court, or with any other person in relation to the merits of such suit; for receiving communications from any such party, or from any other person in relation to the merits of such suit, without immediately disclosing the same to the court.

7. All inferior magistrates, officers and tribunals, for disobedience of any lawful order or process of a superior court, or for proceeding in any cause or matter contrary to law, after such cause or matter shall have been removed from their jurisdiction; and

8. All other cases where attachments and proceedings as for contempts have been usually adopted and practiced in courts of record to enforce the civil remedies of any party, or to protect the rights of any such party.

Approved June 9, 1899.

[No. 231.]

AN ACT to amend and alter sections nine and fourteen of act number thirty-nine of the Public Acts of eighteen hundred and eighty-three as amended and altered by act number ninety-three of the Public Acts of eighteen hundred eighty-seven, entitled "An act to Authorize the Formation of Corporations for the Purpose of Excavating, Constructing and Maintaining Water Courses, with Water Power appurtenant thereto, for Accumulating, Storing, Conducting, Selling, Furnishing and Supplying, upon an Agreed rental, Water and Water power for Mining, Milling, Manufacturing, Domestic, Municipal and Agricultural purposes and for Holding and Conveying Lands adjacent to said water course, or within convenient distance thereof," same being sections three thousand eight hundred ninety-five i and three thousand eight hundred ninety-five n of Howell's Annotated Statutes, volume three, and sections six thousand seven hundred ninety-seven and six thousand eight hundred two of the Compiled Laws of eighteen hundred ninety-seven of Michigan.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections nine and fourteen of act number thirty-nine of the public acts of eighteen hundred and eighty-three, as amended and altered by act number ninety-three of the public acts of eighteen hundred and eighty-seven, entitled "An act to authorize the formation of corporations for the purpose of excavating, constructing and maintaining water courses with water power appurtenant thereto, for accumulating, storing, conducting, selling, furnishing and supplying, upon an agreed rental, water and water power for mining, milling, manufacturing, domestic, municipal and agricultural purposes, and for holding and conveying lands adjacent to said water course, or within convenient distance thereof," same being sections three thousand eight hundred ninety-five i and three thousand eight hundred ninety-five n of Howell's Annotated Statutes, volume three, and sections six thousand seven hundred and ninety-seven and six thousand eight hundred and two of the compiled laws of eighteen hundred ninety-seven of Michigan, be and the same are hereby amended so as to read as follows:

Powers of
corporation.

SEC. 9. Every such corporation organized as hereinbefore prescribed, shall have the following powers and be subject to the liabilities and restrictions following, that is to say:

Surveys, etc.,
of proposed
improvement.

First, To cause such examination and surveys for the proposed improvements whether of dams, canals or digging or deepening of channels to be made, as may be necessary to prepare for the work to be done;

Acquisition of
lands, etc.

Second, To purchase and by voluntary grants and donations to receive, enter upon, take, hold and use, all such lands and

real estate and other property as may be necessary for the construction, maintenance and operation of dry docks, canals and all other works proposed in the approved plans of such company, and to lease, mortgage or otherwise dispose of real or personal property;

Third, To divert into any canal excavated or constructed under the provisions of this act, water from Lake Superior or St. Mary's river to flood lands belonging to said company, subject to the consent of the board of supervisors of the proper county in which waters so diverted are situated, and to erect such docks in Lake Superior or St. Mary's river as may be necessary or convenient for the purpose of such company.

To divert
waters to
flood lands.

SEC. 14. Upon giving notice to the Auditor General of this State and assessing officer of the township or city in which said water power is situated, on or before the second Monday in April of any year, of the election of the company to pay specific taxes as provided in this section, each and every company organized under the provisions of this act, may pay to the treasurer of the State of Michigan, an annual tax of one per cent on the whole amount of the authorized capital stock of such company, which tax shall be paid on or before the first Monday in July of each year and which shall be in lieu of all other general taxes upon the lands upon which said water course shall be located, and which shall be appurtenant thereto and the improvements thereon.

Companies to
pay specific
tax

Approved June 9, 1899.

[No. 232.]

AN ACT to amend sections one, two and three of act one hundred eighty of the Public Acts of eighteen hundred ninety-seven, entitled "An Act to Provide for the Protection of the Reputation and Good Name of certain persons," the same being sections eight thousand six hundred twelve, eight thousand six hundred thirteen and eight thousand six hundred fourteen of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections one, two and three of act one hundred eighty of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the protection of the reputation and good name of certain persons," the same being sections eight thousand six hundred twelve, eight thousand six hundred thirteen, eight thousand six hundred fourteen of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Sections
amended.

Probate judge
may issue mar-
riage license
in certain cases.

Provido.

Applications
how made.

Judge may per-
form marriage
ceremony.

When and
where judge
to file papers.

When record
open to in-
spection.

SECTION 1. The judge of probate of each county in the State shall have authority, and it shall be his duty to issue, without publicity, a marriage license to any female making application to him, under oath, containing a statement that she is with child, which if born alive before her marriage will become a bastard, or has lived with a man and has been considered as his wife, or for other good reason, expressed in such application and deemed to be sufficient by the judge of probate, desires to keep the exact date of the marriage a secret, to protect the good name of herself and the reputation of her family: *Provided*, That such judge of probate shall have authority to marry persons under marriageable age, where the female is with child, or where she has been living with some man as his wife, in cases in which the application for such license is accompanied by the written request of the parents of both parties, if living, and their guardian or guardians if either or both of the parents are dead, or by the written request of the parent or guardian, as the case may be, of the one under marriageable age, where only one is under the marriageable age now fixed by the statute, when, according to his judgment, such marriage would be a benefit to public morals.

SEC. 2. All applications made under this act for a marriage license shall be in the usual form, certifying that she is with child, and shall be accompanied by a fee of three dollars, two dollars of which the judge of probate shall keep for his services, and he shall forward one dollar to the Secretary of State as his fee for performing the service required of him by this act. The judge of probate is hereby authorized and empowered, and it shall, upon the filing of such application, become the duty of such judge of probate to perform the ceremony of marriage, and he shall attach the license and certificate of marriage to such application. All of which papers shall be executed in duplicate. The judge of probate shall deliver a certificate of such marriage to the bride.

SEC. 3. The judge of probate shall file a complete set of all papers in each case in a private file, and shall within ten days after the marriage forward the duplicate thereof to the Secretary of State, who shall file such duplicate in a private file and record the same in a private register. Such file in the probate court, and the duplicate and record thereof in the office of the Secretary of State, shall be open to inspection only upon the written order of the judge of any circuit or the supreme court of this State, and only for such use as is designated in such order. Such order shall be made only upon the written request of the person or persons who were so married, or when necessary to the protection of property rights arising from or affected by such marriage.

Approved June 9, 1899.

[No. 233.]

AN ACT to amend act number one hundred eighty-four of the Public Acts of eighteen hundred ninety-five, entitled "An act to Provide for the Inspection of all Manufacturing Establishments and Workshops in this State, and to Provide for the Enforcement, Regulation and Inspection of such establishments, and the Employment of Women and Children therein," to stand as section nineteen.

The People of the State of Michigan enact:

SECTION 1. That act number one hundred eighty-four of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," is hereby amended by adding one section thereto to stand as section nineteen, to read as follows: Act amended.

SEC. 19. That no room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist-bands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any person to work in any room, apartment or in any building or parts of buildings at making, in whole or in part, any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein, and that the building or part of building intended to be used for such work or business is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom

Where certain articles not to be manufactured.

Proviso.

they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use.

Approved June 9, 1899.

[No. 234.]

AN ACT to amend section two of act number seventy of the Public Acts of one thousand eight hundred seventy-seven, entitled "An Act for the More Effectual Prevention of Cruelty to Animals," approved April twenty-fifth, one thousand eight hundred seventy-seven, being section nine thousand three hundred ninety-two of Howell's Annotated Statutes, as amended by act number forty-eight of the Session Laws of one thousand eight hundred ninety-three, approved April twenty-seventh, one thousand eight hundred ninety-three, being section eleven thousand seven hundred forty of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section two of act number seventy of the public acts of one thousand eight hundred seventy-seven, entitled "An act for the more effectual prevention of cruelty to animals," approved April twenty-fifth, one thousand eight hundred seventy-seven, being section nine thousand three hundred ninety-two of Howell's annotated statutes, as amended by act number forty-eight of the public acts of one thousand eight hundred ninety-three; approved April twenty-seventh, one thousand eight hundred ninety-three, being section eleven thousand seven hundred forty of the Compiled Laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Keeping or using animals for fighting, etc., prohibited.

SEC. 2. Any person who shall keep or use any bull, bear, dog, cock, or other animal or fowl or bird, except English sparrows and pigeons, for the purpose of fighting, or baiting, or as a target to be shot at, as a test of skill in marksmanship; and any person who shall be a party to or be present as a spectator at any such fighting, baiting or shooting of any bear, dog, cock, or other animal, or fowl or bird, except English sparrows and pigeons, and any person who shall rent any building, shed, room, yard, ground or premises, for the purpose of fighting, baiting or shooting any animal, fowl or bird, except English sparrows and pigeons, as aforesaid, or shall knowingly suffer or permit the use of any building, shed, room.

yard, ground or premises belonging to him or under his control, for either or any of the purposes aforesaid, shall on conviction thereof, be adjudged guilty of a misdemeanor: *Provided*, That no bounty shall be paid for any English sparrow that may be killed when used as a target or to be shot at as a test of skill in marksmanship: *And provided*, That it shall not be lawful for any person or persons to engage in the propagation of English sparrows for the purpose allowed in this act, or for any other purpose; and that on conviction for each or any offense mentioned in this act, the person or persons so convicted shall pay a fine of not less than ten nor more than fifty dollars, or be imprisoned in the county jail for a period of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

Violation a
misdemeanor.
Proviso.

Penalty.

Approved June 9, 1899.

[No. 235.]

AN ACT to amend section fifty-six of chapter seventy-seven of the Revised Statutes of eighteen hundred forty-six, entitled "Of the Sale of Lands for the Payment of Debts by Executors, Administrators and Guardians," as added by act one hundred twenty-seven of the Public Acts of eighteen hundred ninety-five, being section nine thousand one hundred thirty-three of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section fifty-six of chapter seventy-seven of the revised statutes of eighteen hundred forty-six, entitled "Of the sale of lands for the payment of debts by executors, administrators and guardians," as added by act one hundred twenty-seven of the public acts of eighteen hundred ninety-five, being section nine thousand one hundred and thirty-three of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 56. In any case where a license to sell real estate is applied for and it shall appear from the petition and from the testimony of two or more credible and disinterested freeholders, under oath in writing, administered by said probate judge, that the interest of the estate in said real estate does not exceed in value the sum of one thousand dollars, the judge of probate may, in his discretion, after notice to all persons interested, as required by this chapter, grant a license to the executor, administrator or guardian to dispose of said real estate at private sale at the highest price obtainable, not less than the value thereof as determined by said probate judge,

License to sell
real estate
when value
does not ex-
ceed certain
amount.

Proviso.

which sale shall be approved and confirmed by said probate judge before any deed passing the title to said real estate so sold at private sale shall be valid and effectual: *Provided*, That said freeholders shall be residents of the county where such real estate is situated and well known to said probate judge to be credible witnesses, and that their said testimony shall be filed and permanently kept in the office of said probate judge: *And provided further*, That the provisions of this chapter relating to the oath and bond of the executor, administrator or guardian before a sale shall be applicable to sales under the provisions of this section; and all the other provisions of this chapter, except where plainly inapplicable, shall be applicable to sales under this section.

Approved June 9, 1899.

[No. 236.]

AN ACT to amend section twenty-six of chapter seventy-eight of the Revised Statutes of eighteen hundred forty-six, entitled "Of the Sale of Lands of Minors and other Persons Under Guardianship, and securing the proceeds for their use," as added by act one hundred twenty-eight of the Public Acts of eighteen hundred ninety-five, being section nine thousand one hundred sixty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-six, of chapter seventy-eight of the revised statutes of eighteen hundred forty-six, entitled "Of the sale of lands of minors and other persons under guardianship, and securing the proceeds for their use," as added by act one hundred twenty-eight of the public acts of eighteen hundred ninety-five, being section nine thousand one hundred sixty-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

When license
to guardian
may be grant-
ed to sell real
estate.

SEC. 26. In any case where a license to sell real estate is applied for and it shall appear from the petition and from the testimony of two or more credible and disinterested freeholders, under oath in writing, administered by said probate judge, that the interest of said estate in said real estate does not exceed in value the sum of one thousand dollars, the judge of probate may, in his discretion, after notice to all persons interested as required by this chapter, grant a license to the guardian to dispose of said real estate at private sale, at the highest price obtainable not less than the value thereof, as de-

terminated by said probate judge, which sale shall be approved and confirmed by the probate judge before any deed passing the title to said real estate so sold at private sale shall be valid and effectual: *Provided*, That said freeholders shall be well known to said probate judge to be credible witnesses, and that their said testimony shall be filed and permanently kept in the office of said probate judge: *And provided further*, That the provisions of this chapter relating to the oath and bond of the guardian before a sale shall be applicable to sales under the provisions of this section, and all other provisions of this chapter, except where plainly inapplicable, shall be applicable to sales under this section.

Sale to be approved and confirmed by probate judge.

Proviso.

Further proviso as to oath and bond of guardian.

Approved June 9, 1899.

[No. 237.]

AN ACT to Provide for the Examination, Regulation, Licensing and Registration of Physicians and Surgeons, and for the Punishment of Offenders against this act, and to repeal acts and parts of acts in conflict therewith.

The People of the State of Michigan enact:

SECTION 1. That the Governor shall appoint, by and with the advice and consent of the Senate, ten resident electors of the State, who shall constitute a Board of Registration in Medicine. Not more than five of the persons so appointed shall be from the school of medicine known as Regular; not more than two of the persons so appointed shall be from the school of medicine known as the Homeopathic; not more than two of the persons so appointed shall be from the school of medicine known as Eclectic; and not more than one of the persons so appointed shall be from the school of medicine known as Physio-Medical, and the appointees may be chosen from lists submitted to the Governor biennially by each of the four legally incorporated State medical societies of the schools of medicine, as herein mentioned aforesaid, such lists to be certified to under oath of the president or secretary of each society respectively, and filed by them in the office of the Secretary of State at Lansing on or before the fifteenth day of September of the present year and on or before the first day of March in each succeeding biennial period. Such lists to contain at least treble the number of names as each society has representatives on the board. But in the event that one or more of the societies above named, through their president or secretaries, shall, from any cause, neglect, omit or refuse to file as aforesaid such list or lists, then and in that case the Governor shall appoint or fill the vacancies in said board with-

Board of registration in medicine, who to appoint.

Number.

How appointed in certain cases.

	out reference to such list or lists which the aforesaid society or societies have for any cause neglected, omitted or refused to file with the Secretary of State, as herein mentioned aforesaid; but the number of representatives from each of the schools of medicine shall be the same as provided for in this act. All persons so appointed shall be learned in the profession of medicine, shall be graduates of recognized and reputable medical colleges, and shall have been actively engaged in the practice of medicine for at least six years immediately preceding the time of such appointment. The ten persons so appointed shall be appointed in two classes, each class to consist of five persons. The first class shall be appointed to hold office for two years, the second class for four years, beginning with the first day of October of the present year and until their successors are appointed; and thereafter the Governor shall appoint, before the first day of October of each biennial period, five persons qualified as aforesaid, in each class to hold office for four years from the first day of October next ensuing. No member of said board shall belong to the faculty of any medical college or university, or shall be financially interested in the manufacture of drugs or the practice of pharmacy. The Governor shall also fill vacancies occasioned by death or otherwise, and may remove any member for the continued neglect of duties required by this act. Vacancies in said board shall be filled in accordance with the provisions of this act for the establishment of the original board, and a person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he fills. The business of this board shall be transacted by and receive the concurrent vote from at least seven members.
Must be graduates of medical colleges.	
Term of office.	
Vacancies, how filled.	
Meetings, when and where held.	SEC. 2. The members of said board shall meet on the second Tuesday of October, eighteen hundred ninety-nine, at the State Capitol at Lansing, and shall then elect a president from their own number, and a secretary who need not be of their number, but each of whom shall hold their respective offices for two years, and shall have the power to administer oaths. Not less than seven members shall constitute a quorum of said board for transaction of business. The secretary shall give to the treasurer of the State a bond in the penal sum of five thousand dollars, with sufficient sureties, to be approved by the Governor, for the faithful discharge of his duties. The said board shall hold two regular meetings in each year, beginning with the year eighteen hundred ninety-nine; one on the second Tuesday of October, eighteen hundred ninety-nine, and one on the second Tuesday of June, nineteen hundred, and so on, and such additional meetings at such times and places as it may determine.
Quorum. Secretary to give bond.	
Registration, provisions for.	SEC. 3. On and after the second Tuesday of October, eighteen hundred ninety-nine, all men and women engaged in the practice of medicine and surgery in any of its branches, and all who wish to begin the same in the State, except as here-

inafter provided, shall make application to said board to be registered and for a certificate of such registration. This registration and certificate shall be granted to such applicants as shall give satisfactory proofs of being twenty-one years of age and of good moral character, but only upon compliance with at least one of the following conditions:

Certificate,
when granted.

1. The applicant shall be registered and given a certificate of registration if he shall present sufficient proof within six months after the passage of this act of his having already been legally registered under act number one hundred sixty-seven of eighteen hundred eighty-three, as amended in eighteen hundred eighty-seven, entitled "An act to promote public health." The fee for applicants of this class shall be one dollar.

Proof of having
registered un-
der certain act.

2. The applicant shall be registered and given a certificate of registration if he shall present a certified copy or certificate of registration or license which has been issued to said applicant in any foreign nation where the requirements for registration shall be deemed by said board to be equivalent to those of this act: *Provided*, Such country shall accord a like privilege to holders of certificates from this board. The fee for registration from applicants of this class shall be twenty-five dollars.

When foreign
applicant en-
titled to cer-
tificate.

Proviso.

3. The applicant shall be registered and given a certificate of registration if he shall satisfactorily pass an examination before the board upon the following subjects: Anatomy, physiology, chemistry, pathology, therapeutics, toxicology, histology, hygiene, public health laws of Michigan, practice of medicine, surgery, obstetrics, gynecology, diseases of the eye and ear, bacteriology and medical jurisprudence; said examination to be conducted as follows:

Examination.

How conducted.

(a) The applicant shall pay a fee of ten dollars prior to examination.

(b) The examination shall be in writing, oral or both.

(c) The questions on all subjects except in therapeutics and practice of medicine, shall be such as may be answered alike by all schools of medicine.

(d) The applicant shall, if possible, be examined in therapeutics and practice of medicine by those members of the board belonging to the same school as the applicant; and no applicant shall be rejected because of his adherence to any particular system of medicine.

(e) An average percentage of at least seventy-five per cent of correct answers shall be required from every candidate. No additional fee shall be charged by this board for the registration of those who successfully pass such an examination.

Percentage
required.

4. The applicant shall be registered and given a certificate of registration if he shall present a certified copy or certificate of registration or license which has been issued to said applicant in another state of the Union where the requirements for registration shall be deemed by said board to be

When register-
ed in other
state.

Proviso.	equivalent to those of this act: <i>Provided</i> , Such state shall accord a like privilege to holders of certificates from this board. The fee for registration from applicants of this class shall be ten dollars.
When diploma deemed sufficient.	5. The applicant shall be registered and given a certificate of registration, if he shall have a diploma from any legally incorporated, regularly established and reputable college of medicine in this State, having at least a three years course of eight months in each year, or a course of four years of six months in each year, or within the United States, except as heretofore provided, as shall be approved and designated by the board of registration, upon payment of ten dollars, and upon complying with all other requirements of this act, such certificates conferring upon the holders of such diploma all the rights and privileges conferred by this act, without examination.
When not deemed sufficient.	6. The board of registration shall not register any person by reason of a diploma from any college which sells, or advertises to sell diplomas "without attendance," nor from any other than a regularly established and reputable college.
Certificate, where filed.	SEC. 4. The person receiving a certificate of registration shall file the same, or a certified copy thereof, with the county clerk in the county where he resides, and said clerk shall file said certificate or the certified copy thereof, and enter a proper memorandum thereof in a book to be provided and kept for that purpose, and may collect therefor a fee of fifty cents for each certificate or copy thus filed. And said county clerk shall, on the first day of each month, furnish to the secretary of said board a list of all certificates filed in his office during the preceding month on a blank provided for that purpose, and upon notice to him of the change of location or death of a person granted a certificate, or upon the revocation of the certificate granted such person, said county clerk shall enter at the appropriate places in the record so kept by him a memorandum of said facts; so that the record so kept by said county clerk shall correspond with the records of said board, so kept by the secretary thereof. In case a person having thus filed a certificate shall move into another county of the State, he shall procure from said county clerk a certified copy of said certificate, and file the same with the said county clerk of the county to which he shall so remove. Said county clerk shall file and enter the same with like effect, as if the same was the original certificate.
Fee. When clerk to furnish list.	
Provision as to removal to other county	
Moneys received, how credited.	SEC. 5. All moneys received by said board shall be paid to the State Treasurer monthly, and shall be credited to the general fund of the State, and a receipt for the same shall be filed by the secretary of the said board in the office of the Auditor General. The incidental and traveling expenses of said board, and such salary to the secretary as said board may fix, shall be paid from such fund only. The members of said board, except the secretary, shall receive no compensation for
Compensation.	

their services, except necessary traveling and hotel expenses in attending meetings of said board; and in no case shall any more be paid than was actually expended. Such incidental and traveling expenses shall be approved by said board and sent to the Auditor General of the State, who shall draw his warrant upon the State Treasurer for the amounts due, as in case of other bills and accounts under the provisions of law: *Provided*, That the amount so paid shall not exceed the amount received by the treasurer of the State from said board in fees, as herein specified, and as much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of said board as aforesaid.

Provided.

SEC. 6. Said board shall collect from the various county clerks of the State, each month, a report of all registrations made. Said board shall also keep a record of all moneys received and disbursed by it each month, and said record shall always be open to inspection at the office of the Secretary of State. Said board shall annually report to the Governor, on or before the first day of January of each year, the condition of medicine and surgery in this State, which report shall contain a full and complete record of all its official acts during the year, and shall also contain a statement of its receipts and disbursements.

Board to collect reports.

Board to report annually to Governor
What to contain.

SEC. 7. Any person who shall practice medicine or surgery in this State, without first complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment, for each offense. It shall be the duty of the respective prosecuting attorneys of the counties of this State to prosecute violations of the provisions of this act, upon information furnished by the records of the county clerk, or a member or members of said registration board, or by any other person entitled to credit.

Violation of act a misdemeanor.

Penalty.

Prosecuting attorneys to prosecute.

SEC. 8. This act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service, in actual performance of their official duties, nor to regularly licensed physicians or surgeons from out of this State, in actual consultation with physicians of this State, nor to dentists in the legitimate practice of their profession, nor to temporary assistants in cases of emergency, nor to the domestic administration of family medicines, nor any legally qualified osteopath engaged in the practice of osteopathy under the provisions of act number seventy-eight of the public acts of the State of Michigan of eighteen hundred ninety-seven, regulating and licensing the practice of osteopathy in the State of Michigan.

Application of act.

SEC. 9. When any person shall append the letters M. B. or M. D. or prefix the title "Dr." or Doctor or any other sign or appellation in a medical sense to his name, it shall be prima

What prima facie evidence of practice.

facie evidence of practicing medicine and surgery within the meaning of this act.

Duty of assessing officer.

SEC. 10. It shall be the duty of the assessing officer at the time of making the annual assessment to make out a list of physicians residing within his township, village, district, ward or city, with the name, age and sex of each, and the length of time each has been engaged in practice. Such list shall be returned by the assessing officer to the county clerk, and by the clerk recorded in a book in which are kept the records of the board, and annually on or before the first day of January such clerks shall furnish certified lists of the same to the Secretary of this Board.

Act repealed.

SEC. 11. An act entitled "An act to promote public health," approved June six, eighteen hundred eighty-three, and the act amendatory thereto, approved June twenty-seven, eighteen hundred eighty-seven, except as to all penalties which shall have accrued thereunder, are hereby repealed.

Approved June 13, 1899.

[No. 238.]

AN ACT for the protection of mourning doves.

The People of the State of Michigan enact:

Protection of mourning doves.

SECTION 1. That hereafter no person or persons shall pursue, injure, kill or attempt to kill, capture or attempt to capture, by any means whatever, any mourning dove within the limits of this State.

Violation a misdemeanor.

SEC. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, together with costs of prosecution, or by imprisonment in the county jail for a period of time not less than ten days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court, and in all cases where a fine or costs is imposed the court shall sentence the offender to be confined in the county jail until such fine or costs are paid: *Provided*, That the whole term of such imprisonment shall not exceed ninety days.

Penalty.

Proviso.

Approved June 15, 1899.

[No. 239.]

AN ACT to amend section eighteen of act number two hundred six of the public acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three.

The People of the State of Michigan enact:

SECTION 1. That section eighteen of act number two hundred six of the public acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, be amended so as to read as follows: Section amended.

SEC. 18. It shall be the duty of each supervisor or other assessing officer, as soon as possible after entering upon the duties of his office, or as may be directed and required by the provisions of any acts of incorporation of any city or village making special provision for such assessment, to ascertain the taxable property of his assessing district, and the persons to whom it should be assessed and their residences. For this purpose he shall require every person of full age and sound mind who the supervisor or assessor believes has property which is not exempt from taxation, to make and subscribe to a true and correct written statement, under oath, administered by such supervisor or assessing officer, or other officer qualified to administer oaths under the laws of this State, of all the taxable property of such person, firm or corporation, whether owned by him or it or held for the use of another, and it shall be the duty of every such person, firm or corporation, to make such statement under the following form of oath, duly administered by the supervisor or assessing officer: Duty of supervisors.

Form of oath. State of Michigan, } ss.
County of _____ }

_____, being duly sworn, deposes and says that the above is a full and true statement of all the taxable property owned by him liable to assessment in this assessing district.

(Signed) _____

Dated this _____ day of _____ A. D. 18—

Subscribed and sworn to before me this _____ day of _____ A. D. 18—

Supervisor (or assessor).

Provided, That any person having no property which is not exempt, if required to take an oath by the supervisor or assessor, may take the following oath:

State of Michigan, } ss.
County of _____ }

_____, being duly sworn, deposes and says that he has no property or effects liable to taxation.

Dated this _____ day of _____ 18—

Subscribed and sworn to before me this _____ day of _____

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ A. D. 18—

Supervisor (or assessor).

Approved June 15, 1899.

[No. 240.]

AN ACT to regulate fire and marine insurance companies transacting business in this State, by requiring all contracts for reinsurance to be made with companies authorized by the Commissioner of Insurance to do business in this State, and to punish violations of this act.

The People of the State of Michigan enact:

Insuring in non-licensed companies prohibited.

SECTION 1. No person, association or corporation transacting fire or marine insurance business in this State shall, directly or indirectly, contract for or effect reinsurance of any risk, in any company, corporation or association not licensed by the Commissioner of Insurance of this State to transact fire or marine insurance business therein.

Sworn statement to be made annually. What to contain.

SEC. 2. A sworn statement of all reinsurance made or effected by any fire or marine insurance company doing business in this State shall be made annually, containing the amount of such reinsurance, and the names of the companies and re-

spective amounts reinsured in each company in which reinsurance has been contracted for or effected, to the Commissioner of Insurance of this State; which statements shall be filed by the Insurance Commissioner in his office, and shall be open to the inspection of every officer or agent of any insurance company authorized to do business in this State: *Where filed.*
Provided, That no contract for reinsurance now in force shall be affected by the provisions of this act; but no such contract with a company, corporation or association not authorized to do an insurance business in this State shall be renewed after the expiration thereof fixed in the contract; and in case no time has been fixed upon in the contract for its expiration, then this act shall take immediate effect upon such contract for reinsurance: *Provided, also,* That nothing in this act shall be construed as preventing any insurance company which has lawfully issued a policy of insurance through its resident agent upon property within the State, from reinsuring said risk, or any portion thereof in any authorized company without having said policy of reinsurance signed by a local agent in the State. *Proviso.*

SEC. 3. Every person, company, corporation or association who shall violate any of the provisions of this act shall be liable to a fine of one hundred dollars for every violation, to be sued for and recovered in the name of the people by the Attorney General, or prosecuting attorney of the proper county, either by action for debt or by criminal prosecution. And the Commissioner of Insurance shall cancel the license and revoke the authority of any fire or marine insurance company, person or association that shall violate any of the provisions of this act. *Further proviso.*

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed. *Fine for violation of act.*

Approved June 15, 1899. *Repealing clause.*

[No. 241.]

AN ACT to prohibit the use of the products of petroleum for illuminating purposes which have been adulterated, or which will emit a combustible vapor at a temperature less than one hundred twenty-one degrees Fahrenheit's thermometer.

The People of the State of Michigan enact:

SECTION 1. No person shall adulterate with benzine or other substance, for the purpose of sale or for use, any kerosene oil to be used for lighting or heating in such a manner as to render it dangerous to use; nor shall any person knowingly sell or offer to sell, or knowingly use, such adulterated oils; nor

Adulteration of illuminating oils for heating and lighting purposes prohibited.

Proviso.

Further
proviso.

Violation of
section a
misdemeanor.
Penalty.

Proviso.

shall any person knowingly sell or offer for sale, or knowingly use, any coal or kerosene oil, or any products of petroleum for illuminating or heating purposes which, by reason of being so adulterated, or for any other reason, will emit a combustible vapor at a temperature less than one hundred twenty-one degrees of Fahrenheit's thermometer, where tested as provided by the laws of this State: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas, and inside of such building when contained in closed brass reservoirs placed not closer than eighteen inches to the flame, and attached to such lamps as the State Oil Inspector may certify to be, in his opinion, proper and safe for the use of oils contemplated in this act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prevent the use in the street or other open air lamps, or in stoves for heating purposes, of the lighter products of petroleum, such as gasoline, benzine, benzole or naphtha.

Approved June 15, 1899.

[No. 242.]

AN ACT to provide for the burial of the bodies of certain honorably discharged soldiers, sailors or marines in this State, who shall hereafter die without leaving means sufficient to defray funeral expenses, and to repeal act number one hundred seventy of the public acts of eighteen hundred eighty-five.

The People of the State of Michigan enact:

Board of
supervisors to
appoint in
townships and
wards person to
look after
burial, etc., of
ex-soldiers and
marines.

Where to be
buried.

SECTION 1. It shall be the duty of the board of supervisors of each county in this State to appoint in each township and ward, in their respective counties, a suitable person, other than those designated by law for the care of paupers and the care of criminals, whose duty it shall be, in his township or ward, to look after and cause to be interred in a decent and respectable manner in any cemetery or burial ground within this State, other than those used exclusively for the burial of

spective amounts reinsured in each company in which reinsurance has been contracted for or effected, to the Commissioner of Insurance of this State; which statements shall be filed by the Insurance Commissioner in his office, and shall be open to the inspection of every officer or agent of any insurance company authorized to do business in this State: *Where filed.*
Provided, That no contract for reinsurance now in force shall be affected by the provisions of this act; but no such contract with a company, corporation or association not authorized to do an insurance business in this State shall be renewed after the expiration thereof fixed in the contract; and in case no time has been fixed upon in the contract for its expiration, then this act shall take immediate effect upon such contract for reinsurance: *Proviso.*
Provided, also, That nothing in this act shall be construed as preventing any insurance company which has lawfully issued a policy of insurance through its resident agent upon property within the State, from reinsuring said risk, or any portion thereof in any authorized company without having said policy of reinsurance signed by a local agent in the State. *Further proviso.*

SEC. 3. Every person, company, corporation or association who shall violate any of the provisions of this act shall be liable to a fine of one hundred dollars for every violation, to be sued for and recovered in the name of the people by the Attorney General, or prosecuting attorney of the proper county, either by action for debt or by criminal prosecution. And the Commissioner of Insurance shall cancel the license and revoke the authority of any fire or marine insurance company, person or association that shall violate any of the provisions of this act. *Fine for violation of act.*

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed. *Repealing clause.*

Approved June 15, 1899.

[No. 241.]

AN ACT to prohibit the use of the products of petroleum for illuminating purposes which have been adulterated, or which will emit a combustible vapor at a temperature less than one hundred twenty-one degrees Fahrenheit's thermometer.

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Proviso.

Further
proviso.

Violation of
section a
misdemeanor.
Penalty.

Proviso.

shall any person knowingly sell or offer for sale, or knowingly use, any coal or kerosene oil, or any products of petroleum for illuminating or heating purposes which, by reason of being so adulterated, or for any other reason, will emit a combustible vapor at a temperature less than one hundred twenty-one degrees of Fahrenheit's thermometer, where tested as provided by the laws of this State: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas, and inside of such building when contained in closed brass reservoirs placed not closer than eighteen inches to the flame, and attached to such lamps as the State Oil Inspector may certify to be, in his opinion, proper and safe for the use of oils contemplated in this act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prevent the use in the street or other open air lamps, or in stoves for heating purposes, of the lighter products of petroleum, such as gasoline, benzine, benzole or naphtha.

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The People of the State of Michigan enact:

Board of
supervisors to
appoint in
townships and
wards person to
look after
burial, etc., of
ex-soldiers and
marines.

Where to be
buried.

SECTION 1. It shall be the duty of the board of supervisors of each county in this State to appoint in each township and ward, in their respective counties, a suitable person, other than those designated by law for the care of paupers and the care of criminals, whose duty it shall be, in his township or ward, to look after and cause to be interred in a decent and respectable manner in any cemetery or burial ground within this State, other than those used exclusively for the burial of

the pauper dead, at an expense not to exceed forty dollars, the body of any honorably discharged Union soldier, sailor or marine having at any time served in the army or navy of the United States, or of any honorably discharged soldier, sailor or marine having at any time served in the army or navy of the United States in the late war with Spain, who shall hereafter die not leaving means sufficient to defray the necessary funeral expenses. Such person so appointed shall serve without compensation, and shall hold his appointment so long as he serves to the satisfaction of the board of supervisors; and whenever any vacancy occurs from any cause, it shall be the duty of the board of supervisors to fill such vacancy by the appointment of another suitable person.

Expense limited.

No compensation for services. Term.

Vacancy, how filled.

SEC. 2. It shall be the duty of the person so appointed, as provided in the foregoing section, before he assumes the charge and expense of any such burial, to first satisfy himself by a careful inquiry into, and examination of, all the circumstances in the case, that the family of such deceased soldier, sailor or marine, if he had any at the time of his decease residing in such township or ward, is unable, for want of means, to defray the expense of such funeral or burial, whereupon, if he finds such inability to exist, he shall cause such deceased soldier, sailor or marine to be buried as provided in section one of this act, and he shall also immediately report his action to the clerk of the board of supervisors of the county, setting forth all the facts, and that he found the family of such deceased person, if he had any, in indigent circumstances and unable to pay the expenses of such funeral or burial, together with the name, rank and command to which he belonged as such soldier, sailor or marine, the date of his death, place where buried and his occupation while living; also an accurately itemized statement of the expenses incurred by reason of such burial.

Duty before assuming charge and expense of burial.

To report to clerk.

SEC. 3. It shall be the duty of the clerk of the board of supervisors, upon receiving the report and statement of expenses provided for in section two of this act, to transcribe in a book kept for that purpose all the facts contained in said report respecting such deceased soldier, sailor or marine. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine to make application to the proper authorities under the government of the United States for a suitable headstone, as is now or hereafter may be provided by act of Congress, and to cause the same to be placed at the head of such deceased soldier's, sailor's or marine's grave.

Duty of clerk of supervisors.

SEC. 4. All expenses incurred in such burial, as provided in this act, shall be audited and paid by the board of supervisors or board of county auditors, the same as other legal charges against the county.

Expense, how audited.

Act repeal'd. SEC. 5. Act number one hundred seventy of the public acts of eighteen hundred eighty-five the same being sections sixteen hundred ninety-three to sixteen hundred ninety-six, inclusive, Compiled Laws of eighteen hundred ninety-seven, is hereby repealed.

Approved June 15, 1899.

[No. 243.]

AN ACT to amend section six thousand seven hundred thirty-eight of Howell's Annotated Statutes of the State of Michigan, relative to Appeals in Chancery to the Supreme Court, the same being Compiler's Section five hundred fifty of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. That sections six thousand seven hundred thirty-eight of Howell's Annotated Statutes of the State of Michigan, the same being compiler's section five hundred fifty of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Appeal to be claimed in writing, limit of time, etc.

SEC. 144. In all cases disposed of upon pleadings and proofs such appeal shall be claimed by a written claim delivered or transmitted to the register of the court, where such decree or order was entered, within forty days from the settlement of the case on such appeal as provided by law, and in all other cases within forty days from the entry of such decree or final order which said register shall make entry thereof. The court from whose decree said appeal shall be taken and perfected shall not stay proceedings in said cause for a longer period than until said appeal shall have been taken and perfected, unless the party taking such appeal shall within such time file with the register of said court a bond to the appellee or appellees, with sufficient surety or sureties, to be approved by a circuit judge or circuit court commissioner of said county, and with such penalty as such judge or commissioner shall approve, conditioned for the performance or satisfaction of the decree or final order of the supreme court in the cause and payment of all costs of the appellee or appellees in the matter of appeal: *Provided*, That the motion for such approval shall be on a notice of six days to the appellee or appellees, said notice to contain the penalty and the names of the sureties of the proposed bond; and on the hearing of such motion such appellee or appellees shall be heard as to the sufficiency of the penalty named and the pecuniary responsibility of the sureties proposed to such bond: *And provided further*, That in case of such motion being before a circuit court commis-

Proviso.

Further proviso.

sloner, the circuit court or the judge at chambers of the court in which such decree or final order is entered may, on special motion, order an additional bond and fix the penalty thereof and approve the sureties thereto on proper showing: *And provided further*, That the supreme court, or the circuit judge of the county where such decree or final order was made, shall, on special motion and such proper showing, have power, after such appeal is perfected, to order an additional bond, and to fix the penalty thereof, and to approve the sureties thereto, or to refer such approval to a circuit court commissioner of the county in which the cause shall have been pending.

Further
provide as to
additional
bond.

Approved June 15, 1899.

[No. 244.]

AN ACT to amend sections two, three and six of chapter six of act number two hundred forty-three, Session Laws of eighteen hundred eighty-one, entitled "An act to Revise and Consolidate the Laws Relating to the Establishment, Opening, Improvement and Maintenance of Highways and Private Roads, and the Building, Repairing and Preservation of Bridges within this State," approved June eighth, eighteen hundred eighty-one, being sections four thousand one hundred and twenty-two, four thousand one hundred and twenty-three and four thousand one hundred and twenty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Sections two, three and six of chapter six of act number two hundred forty-three of the session laws of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eighth, eighteen hundred eighty-one, being sections four thousand one hundred and twenty-two, four thousand one hundred and twenty-three and four thousand one hundred and twenty-six of the Compiled Laws of eighteen hundred ninety-seven, are hereby amended so as to read as follows:

Sections
amended.

SEC. 2. If such encroachment shall not be removed within thirty days after the service of a copy of such order, such occupant shall forfeit the sum of fifty cents for every day after the expiration of that time during which such encroachment shall continue unremoved, to be recovered in an action of trespass before any justice of the peace of the township, or of an adjoining township in the same county, and the commissioner

Penalty for
neglect to
remove
encroachments.

Highway commissioner to keep account of expenses.

may proceed to remove such encroachment in the same manner that he may do in case of the opening of a highway, and the person at fault be liable for the costs and expenses of such removal. The highway commissioner shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this and the preceding sections of this act, and shall present a full and complete statement thereof, together with a full and legal description of the lands entered upon, to the occupants of such lands, the said statement having been duly verified by the oath of the highway commissioner, requiring the said occupant to pay the amount therein set forth, and in case such occupant shall refuse or neglect to pay the same within thirty days after such notice and demand, the highway commissioner shall present a duly verified copy of said statement to the township board of the township in which such expense was incurred, for their examination and action thereon, and if the said township board shall so recommend, the supervisor of the township shall cause the amount of all such costs and expenditures to be duly assessed and levied on the lands described in the statement of the commissioner of highways, which sum so assessed and levied shall be collected in the same manner as delinquent highway taxes are collected, but no person shall be required to remove any fence under the provisions of this section between the first day of April and the first day of November, unless such fence shall have been made within three months next before the making of the order for the removal thereof: *Provided*, That if the person upon whom the copy of such order shall be served at any time before the expiration of said thirty days, by a written notice served upon the commissioner, deny such encroachment either in whole or in part, or shall deny the existence of a highway where such encroachment is claimed to exist, the commissioner, instead of proceeding to remove such encroachment, shall commence an action of trespass against the person upon whom the copy of such order was served, as hereinafter provided.

Proviso.

Action, how brought.

SEC. 3. Such action shall be brought by the commissioner in his name of office, claiming nominal damages only in the sum of six cents, before any justice of the peace of the township, or of an adjoining township in the same county. The declaration in such action shall follow the order required by section one of this chapter, in describing such encroachment; and the defendant may plead denying the encroachment in whole or in part, and may also deny the existence of a highway where such encroachment is claimed to be; if he shall have denied the same in the notice which, by the last preceding section, he may serve upon the commissioner, and shall have set the same up in defense at the time of joining issue. And the pleadings of either party may be amended in all respects as provided by chapter two hundred eighty-four of the compiled laws of eighteen hundred ninety-seven; but other-

wise the legal existence of the highway shall not be questioned on the trial, and the fact of such encroachment, and where the true line of the highway is, shall only be tried.

SEC. 6. In all cases of final judgment against any person for causing or maintaining an encroachment, the commissioner may proceed to remove the same within ten days after such judgment, in the same manner that he may do under section two of this chapter, where the encroachment or the existence of the highway is not denied, and the penalty prescribed in said section two shall attach and continue from and after the expiration of the thirty days mentioned therein, until such encroachment be removed: *Provided*, That in all cases of final judgment against any person or persons for causing or maintaining an encroachment or obstruction upon the highway, if such person or persons shall, subsequent to such final judgment, by force or otherwise, interfere with the commissioner of highways in the performance of his duties under this act, or if such person or persons shall place or cause to be replaced any of the encroachments or obstructions which had been removed, or in any way interfere with the said highway, the highway commissioner may, upon complaint duly made before any justice of the peace of said township or of an adjoining township, cause the arrest of such person or persons, and if a conviction shall be had under such complaint made of the offense charged therein, such person or persons having been adjudged guilty, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Removal on judgment.

Provido.

Approved June 15, 1899.

[No. 245.]

AN ACT to Prevent Misleading and Dishonest Representations in Connection with the Sale of Merchandise.

The People of the State of Michigan enact:

SECTION 1. Any firm, person, corporation or association of persons or any employe of such or any of such, who in the newspapers or other periodicals of this State, or in public advertisements, or in communications intended for a large number of persons, knowingly makes or disseminates any statements or assertions of facts with respect to his, its or their business affairs concerning the quantity or quality, the value, the price of his, its or their merchandise, or the possession of rewards, prizes or distinctions; or the motive or purpose of a sale, intended to have the appearance of an advantageous

Misrepresentation of merchandise a misdemeanor.

offer, which are untrue or calculated to mislead, shall be guilty of a misdemeanor.

Penalty.

SEC. 2. Any firm, person, corporation or association violating the provisions of this act upon conviction thereof, shall be liable to a fine of not less than five or more than fifty dollars and costs of prosecution.

Approved June 15, 1899.

[No. 246.]

AN ACT to amend sections eleven, fifteen, sixteen, thirty-four, thirty-nine, forty and forty-one of chapter one hundred twenty-four of the Revised Statutes of eighteen hundred forty-six, as amended, entitled "Of the Action of Replevin," being compiler's sections ten thousand six hundred fifty-eight, ten thousand six hundred sixty-two, ten thousand six hundred sixty-three, ten thousand six hundred eighty, ten thousand six hundred eighty-five, ten thousand six hundred eighty-six and ten thousand six hundred eighty-seven of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections eleven, fifteen, sixteen, thirty-four, thirty-nine, forty and forty-one of chapter one hundred twenty-four of the revised statutes of eighteen hundred forty-six, as amended, entitled "Of the Action of Replevin," being compiler's sections ten thousand six hundred fifty-eight, ten thousand six hundred sixty-two, ten thousand six hundred sixty-three, ten thousand six hundred eighty, ten thousand six hundred eighty-five, ten thousand six hundred eighty-six and ten thousand six hundred eighty-seven of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

When
property to be
returned.

SEC. 11. If the plaintiff shall fail to cause such bond to be executed and delivered to the officer within twenty-four hours after the appraisal of such property, or if the defendant or some one in his behalf, at any time before the delivery of the property to the plaintiff, shall execute a bond to such officer and his assigns, with the addition of his name of office, with sufficient sureties, to be approved by such officer, in a penalty not less than one hundred dollars, and at least double the appraised value of such property, conditioned that if the plaintiff recover judgment against him in the action he will produce and surrender the same property to the plaintiff, if such surrender be adjudged, and will pay the plaintiff all such sums of money as may be recovered by such plaintiff against him in the said action, the officer shall return the property to the same person from whom he took it; and the property shall in

no case be delivered to the plaintiff without the consent of the defendant in writing, until the expiration of forty-eight hours after the appraisal thereof, and notice of such appraisal shall be given to the defendant: *Provided*, That if either party, before the delivery of the property by the officer to the opposite party, shall make and present to such officer an affidavit, setting forth that the property replevied, or any part thereof, has an especial value to him that cannot be satisfied in money, together with a notice in writing that the question of the custody thereof will be submitted to the judge of the circuit, or a Circuit Court Commissioner of the county, at a time and place therein stated, not exceeding five days from the date thereof, and shall serve upon the opposite party, or his attorney, a copy of such affidavit and notice, at least two days before the time of hearing mentioned, the officer shall retain custody of such property until the time mentioned in such notice, and until the order of such judge or commissioner thereon. Such judge or commissioner, on proof of service of said affidavit and notice, shall hear the claims of the respective parties and, by order under his hand, award the possession of such property, pending the suit, to either party, on the execution of a bond as herein required, as he shall deem just. Any bond given by the defendants herein provided shall be filed in the office of the clerk of the court from which the writ issued on or before the return day of such writ.

SEC. 15. Whenever any officer, upon the execution of a writ of replevin, shall take a bond from the plaintiff or defendant, pursuant to the provisions of sections ten or eleven of this chapter, he shall, within two days after taking such bond, notify the opposite party or his attorney, or in case of bond given by the plaintiff the person from whose possession the property was taken, of the amount of such bond and the names of the sureties thereon; and if the party for whose benefit such bond is taken shall not be satisfied with the sufficiency of the sureties taken on such bond by the officer, on the delivery of the property to the opposite party, he may, at any time after the taking of such bond, but not more than ten days after receipt of notice thereof as aforesaid, serve upon such officer a notice that he excepts to such sureties, and such officer shall give notice thereof to the party giving such bond, or his attorney.

SEC. 16. Within twenty days after service of such notice on the officer, the sureties in the bond so executed by the plaintiff or the defendant shall each justify by making an affidavit that he is a freeholder in this State and is worth double the amount of the penalty of such bond over and above all demands and legal exemptions, or within the same time a new bond similar to that required by sections ten or eleven of this chapter, as the case may be, shall be executed with new sureties, who shall justify in the same manner herein provided:

Proviso.

Provided, That the party in whose favor such bond is taken may, at any time after the taking of such bond, make a motion in such suit that the court order a new bond to be given, to be approved by the court or officer hearing such motion, which motion may be heard in open court, or by the circuit judge at chambers, or upon the order of such judge by a circuit court commissioner, and such court, judge, or circuit court commissioner on sufficient cause shown, may order such new bond to be given, and in default thereof may make such further order for the custody of the property pending the suit as the court or such officer may deem necessary to protect the rights of the parties.

When plaintiff or defendant may take judgment for value of property.

SEC. 34. Whenever the plaintiff or defendant shall be entitled to a return or surrender of the property replevied, instead of taking judgment for such return or surrender as above provided, he may take judgment for the value of the property replevied, in which case such value shall be assessed on the trial, or upon the assessment of damages, as the case may be, subject to the provisions of section twenty-nine of this chapter. And in such case he shall be entitled to a judgment against the sureties in the bond given by the opposite party, on the delivery of the property to him by the officer, as well as against the principal. When judgment shall be rendered against a party and his sureties, pursuant to the provisions of this section, any execution issued thereon shall direct the officer to whom it is directed to make the amount thereof out of the goods, chattels, lands and tenements of the principal, naming him, and for want thereof, out of the goods, chattels, lands and tenements of the sureties.

Who judgment rendered against.

Who may have action on bond.

SEC. 39. If any writ of return or other execution issued in favor of either party in the action shall be returned unsatisfied in whole or in part, the party in whose favor such writ is issued, or his representatives, may have an action upon the bond executed by or on behalf of the opposite party, to recover against the obligors therein the value of the property replevied, and the moneys, damages and costs awarded to such party and such bond shall be assigned to such party, so entitled to an action thereon, or his representatives, on their request.

Proceedings, damages to be recovered.

SEC. 40. In such action the plaintiff shall assign breaches of the condition of such bond as in other cases; and the return of the sheriff to the execution issued in the action of replevin shall be evidence of such breach; the amount recovered in such action of replevin, and remaining uncollected, shall be the measure of the damages, if the value of the property replevied shall have been so recovered, and if not so recovered and a return or surrender thereof shall have been awarded, such value shall be added to the damages and costs recovered in the action of replevin, and the amount of such value, damages and costs, remaining uncollected, shall form the measure of damages.

SEC. 41. In any action prosecuted on such bond given by either party in action of replevin for the deliverance of any property the defendant may show, in mitigation of the damages, that the obligee in such bond had only a lien upon it, or special property, or part ownership in said property at the time of commencement of suit in replevin, and that the defendants, or either of them, had at the same time a part ownership or other valuable interest in said property; and if such lien, special property, part ownership, or other interest of said obligee, with interest thereon, amount to less than the value of the property replevied, a corresponding reduction shall be made from such value. Mitigation of damages.

Approved June 15, 1899.

[No. 247.]

AN ACT to amend section six of chapter eighty-three of the Revised Statutes of eighteen hundred forty-six, as amended by act number twenty-three of the Public Acts of eighteen hundred eighty-three, entitled "Marriage and the Solemnization thereof," the same being compiler's section number eight thousand five hundred ninety-three of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section six of chapter eighty-three of the revised statutes of eighteen hundred forty-six, as amended by act number twenty-three of the public acts of eighteen hundred eighty-three, the same being compiler's section number eight thousand five hundred ninety-three of the compiled laws of eighteen hundred ninety-seven, be amended so as to read as follows: Section amended.

SEC. 6. No insane person, idiot, or person who has been afflicted with syphilis or gonorrhoea and has not been cured of the same, shall be capable of contracting marriage. All marriages heretofore contracted between white persons and those wholly or in part of African descent are hereby declared valid and effectual in law for all purposes; and the issues of such marriages shall be deemed and taken as legitimate as to such issue and as to both of the parents. Any person who has been afflicted with syphilis or gonorrhoea and has not been cured of the same, who shall marry shall be deemed guilty of a felony and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than five hundred dollars or more than one thousand dollars, or by imprisonment in the State's prison at Jackson not more than five years, or by both such fine and imprisonment in the Who incapable of contracting marriage. Marriages declared valid. Violation a misdemeanor. Penalty.

Proviso. discretion of the court: *Provided*, That in all prosecutions under this act a husband shall be examined as a witness against his wife and a wife shall be examined as a witness against her husband whether such husband or wife consent or not: *And provided further*, That in all cases arising under this act any physician who has attended or prescribed for any husband or wife for either of the diseases above mentioned shall be compelled to testify to any facts found by him from such attendance.

Further proviso.

Approved June 15, 1899.

[No. 248.]

AN ACT to amend chapter fourteen of the Revised Statutes of eighteen hundred forty-six, entitled "Of County officers," the same being chapter eighty-five of the Compiled Laws of eighteen hundred ninety-seven, by adding thereto a new section to stand as section one hundred five a, providing a Lien in favor of County Surveyors on Land benefited by their services.

The People of the State of Michigan enact:

Chapter amended.

SECTION 1. That chapter fourteen of the Revised Statutes of eighteen hundred forty-six, entitled "Of county officers," the same being chapter eighty-five of the compiled laws of eighteen hundred ninety-seven, be amended by adding thereto a new section to stand as section one hundred five a, providing a lien in favor of county surveyors on lands benefited by their official services .

Charges of surveyor may be assessed.

SEC. 105a. If any person, after having requested the county surveyor to establish, relocate or perpetuate the corners and lines of land owned by such person, shall refuse or neglect to pay for such services after due performance thereof, such surveyor shall certify the lawful charges for the same and to whom due to the supervisor of the proper township, who shall assess it upon the land so surveyed, to be collected and paid to the county treasurer in the same manner as State and county taxes, and paid by the said county treasurer on the order of the county surveyor.

Approved June 15, 1899.

[No. 249.]

AN ACT Declaring the Solicitation, Teaching, Advocacy, or the Persuasion to Polygamy a Felony.

The People of the State of Michigan enact:

SECTION 1. Whosoever shall solicit to a polygamous life, ^{Polygamy a felony.} or teach polygamy as a correct form of family life, for the purpose of inducing men and women to enter into the practice of polygamy or advocate the doctrine and practice of polygamy, or attempt to persuade any person by private or public discourse to adopt a polygamous life shall be guilty of a felony.

SEC. 2. Whosoever shall be found guilty of any form of the ^{Penalty.} offense described in the preceding section shall be punished by imprisonment in the State House of Correction and Reformatory at Ionia, or the State House of Correction and branch of the State prison at Marquette, for a term of not less than two years nor more than ten years, within the discretion of the court.

Approved June 15, 1899.

[No. 250.]

AN ACT to provide for the incorporation of associations for the purpose of establishing loan-funds for the benefit of school scholars and students of this State, to assist them to attend the University of Michigan, the State Normal College at Ypsilanti, the Central Michigan Normal School at Mt. Pleasant, the Michigan State Agricultural College at Lansing, the College of Mines at Houghton, or the Manual Training Schools of this State.

The People of the State of Michigan enact:

SECTION 1. Any five or more persons of full age residing in the State of Michigan may associate and incorporate themselves together for the purpose of establishing loan-funds for the benefit of school scholars and students of this State, to assist them to attend the University of Michigan, the State Normal College at Ypsilanti, the Central Michigan Normal School at Mt. Pleasant, the Michigan State Agricultural College at Lansing, the Michigan College of Mines, or the Manual Training Schools of this State. ^{Number who may incorporate.}

SEC. 2. Articles of association shall be executed in duplicate, by the persons so associating themselves together in the first instance, and shall be acknowledged by them before some person authorized by the laws of this State to take acknowl- ^{To execute articles in duplicate.}

Where recorded.	edgments of deeds, one of which duplicates shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, and a certified copy thereof filed in the clerk's office in the county where such society is formed. Thereupon the persons so executing said articles, and such other persons as may thereafter, according to the provisions of such articles, become associated with them shall become and be a body politic and corporate, capable of being sued, for the purpose set forth in such articles.
Body politic	
Articles, what to contain.	SEC. 3. The articles of association shall contain: First, The names and places of residence of the persons associated in the first instance; Second, The name or title by which such association shall be known in law, and the period for which it is incorporated, not exceeding thirty years; Third, The objects for which it was organized; Fourth, The number of its trustees or managers to manage the same, and the names of such trustees or managers for the first year of its existence.
Number of trustees to manage.	SEC. 4. The affairs of such corporation shall be under the general management of not less than five nor more than fifteen trustees, to be chosen by the members thereof, and to hold office for such time, not exceeding five years, as shall be provided by the articles of association; and the articles of association may provide for a classification of the trustees so that the terms of office of the several classes shall expire at different times, and for a classification of the members in accordance with their subscriptions to the objects for which the corporation was organized. The regular officers of such corporation shall form a part of such trustees. The officers may be chosen by the trustees or the members of the corporation, as the articles shall prescribe. The by-laws shall be adopted by the trustees, who may change them at pleasure. The majority of the trustees shall be a quorum to transact business. The articles of association of any such corporation may be amended at any time by a two-thirds vote of the trustees. Before any such amendment shall take effect, a copy of the resolution, certified by the secretary, shall be filed in the office of the Secretary of State, and in the clerk's office of the county in which the original articles are filed.
Term of office.	
May be classified.	
Officers, how chosen.	
May adopt by-laws and amend articles.	
Certified resolution of amendment, where filed.	
Funds, how used.	SEC. 5. All the funds received by any corporation organized under this act shall be used, after paying necessary expenses, for the exclusive purpose or purposes set forth in the articles of association. And no portion of the funds of such corporation shall be used or contributed toward the erection, completion or furnishing of any building not owned or used by such corporation for the purpose or purposes set forth in its articles of association. Such corporation shall in equity and law be capable of taking and receiving real and personal estate, either by purchase, gift, grant, lease, or bargain and sale, devise and bequest, not exceeding twenty-five thousand dollars,
May take and receive real estate, etc.	

in the aggregate, for the purpose of its incorporation, but for no other purpose, and it shall have power to invest the same at pleasure, and to grant, bargain, mortgage, sell or lease the same for the use of said association; and it shall be lawful to invest the same upon mortgage, or in or by loans on notes or bonds, or municipal, county, State or United States securities; or deposit the same in any reliable bank on interest; but no loans shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of association, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of association, then such funds shall only be invested in such securities as are specified in this act. Such corporation shall have the power to make all needful rules and regulations and by-laws for the management of its affairs, not inconsistent with the constitution and laws of this State or of the United States.

Proviso.

May make rules and regulations.

SEC. 6. In case it shall at any time happen that an election of officers, directors or trustees shall not be made on the day designated by the articles of association and by-laws, said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election of officers, directors or trustees, in such manner as may be directed by the articles of association and by-laws of said corporation.

Election of directors.

SEC. 7. The articles of association filed as required by this act, or a copy thereof certified by the officer with whom they are so filed, may be given in evidence in any court of this State for or against said corporation. Said corporation shall possess the general power conferred by and subject to the provisions and restrictions of chapter two hundred thirty of the Compiled Laws of the State of Michigan of eighteen hundred ninety-seven, so far as the same may be applicable to corporations formed under this act.

Articles may be given as evidence.

Application of certain law.

Approved June 15, 1899.

[No. 251.]

AN ACT to License and Regulate Commission Men and Brokers.

The People of the State of Michigan enact:

SECTION 1. That every person who shall solicit to receive for sale, for himself or another, or who shall receive for sale, or offer for sale, for another, for hire, or cause the same to be

Commission men and brokers to execute bonds.

Amount of.	done, any grain, fruits, vegetables, live stock, meats or poultry,
Who to approve.	and all other kinds of farm or dairy produce shall execute a
Sureties.	bond in the penal sum of five thousand dollars running to the
	people of the State of Michigan, to be approved by the judge
	of probate in the county where his principal office may be, ex-
	cept as hereinafter provided, with two or more sureties, or
	by an indemnity company authorized by law to do business in
	this State, conditioned for the faithful performance of the
	trust reposed in him as a commission man or broker, and to
	pay over all moneys to the proper parties coming into his hands
	by virtue of his agency or trusteeship, by virtue of his receiv-
Where filed.	ing the goods and produce aforesaid which shall justly belong
	to any person. Such bond, when approved, shall be filed with
	the county clerk of the county where such commission or
	broker man shall be engaged in business and where he shall
Proviso.	have his principal office: <i>Provided</i> , That the provisions of
	this act shall apply only to persons, firms and corporations
	who hold themselves out as commission men, brokers, agents
	or merchants and their agents.
Liab on bonds for perform- ance of duties.	SEC. 2. Every such commission or broker man shall be
	liable upon his bond for all moneys received by him from the
	sale of such goods and produce, and for the faithful perform-
Who may bring action.	ance of his duties in the premises. Any party aggrieved by
	the failure or neglect of such commission or broker man in
	the sale of his goods and produce aforesaid, may bring an
	action against such commission or broker man and his bonds-
	men, either jointly or separately.
Where to ob- tain certificate.	SEC. 3. Every person filing the bond above described and
	after the approval of the same shall obtain from the county
	clerk or from the Secretary of State in the case of non-resi-
	dents of this State, a certificate reciting the facts of the filing
	of a bond as aforesaid, together with the names of the sure-
When new bond may be ordered.	ties. Whenever the bond of any such commission or broker
	man shall be deemed insecure, the judge of probate, or in
	case of non-residents the Secretary of State, may order addi-
When renewed.	tional bondsmen or a new bond. Such bond shall be renewed
	or a new bond given on or before the first day of January of
Duty of probate judge.	each year, and it shall be the duty of the judge of probate to
	notify the sheriff and the prosecuting attorney of the county
	where such commission or broker men have their place of
	business, of all bonds which are not renewed on such dates,
	and also to furnish them with a notice of all persons who
	have given the proper bond.
Violation a misdemeanor.	SEC. 4. Every person who shall sell any goods or produce
	as such commission or broker man aforesaid, or who shall
	solicit goods or produce to offer for sale either in his own
	behalf or for another without such bond having been filed,
	or without such certificate having been obtained, shall be
Penalty.	deemed guilty of a misdemeanor, and upon conviction, shall
	be subject to a fine of not less than one hundred dollars, nor
	more than five hundred dollars and costs of prosecution, or

imprisonment in the county jail not exceeding one year or both such fine and imprisonment, in the discretion of the court.

SEC. 5. Any person may make a complaint for any violations of the provisions of this act, and it shall be the duty of the sheriff of each county to ascertain after the report above mentioned from the judge of probate whether any parties are engaged in such commission or broker business without having complied with the requirements of this act; and it shall be his duty to make a complaint for a violation of the provisions of this act which shall come to his knowledge. He shall receive such compensation therefor as the board of supervisors or the board of auditors may allow.

Who may make complaints.

Compensation.

SEC. 6. Every person, firm or corporation making application for such certificate shall pay to the county clerk the sum of five dollars on the issuing thereof, which sum shall be paid over to the county treasurer and placed to the credit of the general fund of said county. Every person a non-resident of this State shall pay the Secretary of State the sum of five dollars, to be paid to the State Treasurer and credited to the general fund of the State.

Fee.

SEC. 7. Every person soliciting, or causing the same to be done, any of the aforesaid goods or produce for sale for hire or on commission, to be sold either by himself or another without a bond being filed as required by section one of this act, shall be liable to the penalties provided in section five of this act, and shall also be personally liable to the owner or person having any interest in such goods or produce to the extent of such interest.

Violation.

How liable.

SEC. 8. Every non-resident, commission man or broker man soliciting or doing business in the State of Michigan, as aforesaid, shall file such bond with the Secretary of State, to be approved by him. Any action for damages against such non-resident person may be brought in the circuit court of any county in this State where the aggrieved person may be or reside against such person or his surety, jointly or severally. All processes and notices may be served upon the Secretary of State, who is hereby constituted the lawful agent of all non-resident persons filing such bond, for the purpose of being served with such processes and notices: *Provided*, That after suit is instituted and such non-resident persons have appeared in such suit, the practice shall be according to the rules and customs of said courts.

Bond of non-resident, where filed.

Action against non-resident, where brought.

Notices, on whom served.

Proviso.

SEC. 9. The word person in this act shall be deemed to include all natural and artificial persons, firms, corporations or co-partnerships. The words commission man or broker in this act shall be deemed to include and mean any person who shall

"Persons," how construed.

Amount of. Who to ap- prove.	done, any grain, fruits, vegetables, live stock, meats or poultry, and all other kinds of farm or dairy produce shall execute a bond in the penal sum of five thousand dollars running to the people of the State of Michigan, to be approved by the judge of probate in the county where his principal office may be, except as hereinafter provided, with two or more sureties, or by an indemnity company authorized by law to do business in this State, conditioned for the faithful performance of the trust reposed in him as a commission man or broker, and to pay over all moneys to the proper parties coming into his hands by virtue of his agency or trusteeship, by virtue of his receiving the goods and produce aforesaid which shall justly belong to any person. Such bond, when approved, shall be filed with the county clerk of the county where such commission or broker man shall be engaged in business and where he shall have his principal office: <i>Provided</i> , That the provisions of this act shall apply only to persons, firms and corporations who hold themselves out as commission men, brokers, agents or merchants and their agents.
Sureties.	
Where filed.	
Proviso.	
Liable on bonds for performance of duties.	SEC. 2. Every such commission or broker man shall be liable upon his bond for all moneys received by him from the sale of such goods and produce, and for the faithful performance of his duties in the premises. Any party aggrieved by the failure or neglect of such commission or broker man in the sale of his goods and produce aforesaid, may bring an action against such commission or broker man and his bondsmen, either jointly or separately.
Who may bring action.	
Where to obtain certificate.	SEC. 3. Every person filing the bond above described and after the approval of the same shall obtain from the county clerk or from the Secretary of State in the case of non-residents of this State, a certificate reciting the facts of the filing of a bond as aforesaid, together with the names of the sureties. Whenever the bond of any such commission or broker man shall be deemed insecure, the judge of probate, or in case of non-residents the Secretary of State, may order additional bondsmen or a new bond. Such bond shall be renewed or a new bond given on or before the first day of January of each year, and it shall be the duty of the judge of probate to notify the sheriff and the prosecuting attorney of the county where such commission or broker men have their place of business, of all bonds which are not renewed on such dates, and also to furnish them with a notice of all persons who have given the proper bond.
When new bond may be ordered.	
When renewed.	
Duty of probate judge.	
Violation a misdemeanor.	SEC. 4. Every person who shall sell any goods or produce as such commission or broker man aforesaid, or who shall solicit goods or produce to offer for sale either in his own behalf or for another without such bond having been filed, or without such certificate having been obtained, shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars and costs of prosecution, or
Penalty.	

imprisonment in the county jail not exceeding one year or both such fine and imprisonment, in the discretion of the court.

SEC. 5. Any person may make a complaint for any violations of the provisions of this act, and it shall be the duty of the sheriff of each county to ascertain after the report above mentioned from the judge of probate whether any parties are engaged in such commission or broker business without having complied with the requirements of this act; and it shall be his duty to make a complaint for a violation of the provisions of this act which shall come to his knowledge. He shall receive such compensation therefor as the board of supervisors or the board of auditors may allow.

Who may make complaints.

Compensation.

SEC. 6. Every person, firm or corporation making application for such certificate shall pay to the county clerk the sum of five dollars on the issuing thereof, which sum shall be paid over to the county treasurer and placed to the credit of the general fund of said county. Every person a non-resident of this State shall pay the Secretary of State the sum of five dollars, to be paid to the State Treasurer and credited to the general fund of the State.

Fee.

SEC. 7. Every person soliciting, or causing the same to be done, any of the aforesaid goods or produce for sale for hire or on commission, to be sold either by himself or another without a bond being filed as required by section one of this act, shall be liable to the penalties provided in section five of this act, and shall also be personally liable to the owner or person having any interest in such goods or produce to the extent of such interest.

Violation.

How liable.

SEC. 8. Every non-resident, commission man or broker man soliciting or doing business in the State of Michigan, as aforesaid, shall file such bond with the Secretary of State, to be approved by him. Any action for damages against such non-resident person may be brought in the circuit court of any county in this State where the aggrieved person may be or reside against such person or his surety, jointly or severally. All processes and notices may be served upon the Secretary of State, who is hereby constituted the lawful agent of all non-resident persons filing such bond, for the purpose of being served with such processes and notices: *Provided*, That after suit is instituted and such non-resident persons have appeared in such suit, the practice shall be according to the rules and customs of said courts.

Bond of non-resident, where filed.

Action against non-resident, where brought.

Notices, on whom served.

Proviso.

SEC. 9. The word person in this act shall be deemed to include all natural and artificial persons, firms, corporations or co-partnerships. The words commission man or broker in this act shall be deemed to include and mean any person who shall

"Persons," how construed.

receive for sale for another, for hire, any grain, fruits, vegetables, live stock, meats or poultry and all other kinds of farm and dairy produce.

Act, how construed.

SEC. 10. Nothing in this act shall be so construed as to repeal any criminal statute affecting commission men and brokers heretofore passed.

Approved June 15, 1899.

[No. 252.]

AN ACT for the Suppression of Mob Violence.

The People of the State of Michigan enact:

Mob, how regarded.

SECTION 1. That any collection of individuals pretending to exercise correctional power over other persons by violence and without authority of law shall for the purpose of this act be regarded as a "mob," and any act of violence exercised by them upon the body of any person shall constitute a "lynching."

Serious injury, what to include.

SEC. 2. The term "serious injury," for the purpose of this act, shall include any such injury as shall temporarily disable the person receiving it from earning a livelihood by manual labor.

Persons assaulted, may recover damages.

SEC. 3. Any person who shall be taken from the hands of officers of justice in any county by a mob and shall be assaulted by the same with whips, clubs, missiles, or in any other manner, shall be entitled to recover from the county in which such assault shall be made, the sum of one thousand dollars as damages, by action as hereinafter provided.

Idem.

SEC. 4. Any person assaulted by a mob and suffering lynching at their hands shall be entitled to recover of the county in which such assault is made the sum of five hundred dollars; or if the injury received is serious, the sum of one thousand dollars, or if it result in permanent disability to earn a livelihood by manual labor, the sum of five thousand dollars. The grade of injury provided for in this act shall be determined and found by the jury trying the case.

Heirs may recover in case of lynching.

SEC. 5. The legal representative of any person suffering death by lynching at the hands of a mob, in any county of this State, shall be entitled to recover of the county in which such lynching may occur the sum of five thousand dollars damages for such unlawful killing. And such recovery shall be distributed among the heirs and personal representatives of the deceased in accordance with the laws of descent and distribution in force in this State at the time of such recovery. Such recovery shall not be regarded as a part of the estate of the person lynched, nor be subject to any of his liabilities.

SEC. 6. Actions for the recoveries provided for in this act may be begun in any court having original jurisdiction of an action for damages for malicious assault, within one year of the time of such lynching. Action, how begun.

SEC. 7. Any judgment rendered against any county, against which recovery shall have been made, shall be paid by the county auditors, or county treasurer, upon presentation to them or him of a certified copy of such judgment, out of the contingent fund of said county, and if there be no money, or not sufficient money in the contingent fund to pay the amount of any judgment remaining unpaid so rendered, it shall be the duty of the board of supervisors in the next succeeding tax to include a sum sufficient to pay the whole, or any part of any such judgment, together with the costs that may be attached in every such case. Judgment, how paid.

SEC. 8. In case the decedent has left minor children him surviving the fund shall be turned over to a regularly appointed guardian, who shall apply the same under the direction of the judge of probate, allowing not more than five hundred dollars for counsel fees in the action for such recovery. In case of minor.

SEC. 9. The county in which any lynching shall occur shall have a right of action to recover the amount of any judgment rendered against it in favor of the legal representatives of any person killed or seriously injured by a mob, including costs, against any of the parties composing such mob. And also against any officer whose negligence may have contributed to the killing or injury aforesaid. Any person present at such lynching and aiding and abetting or encouraging those engaged in such lynching shall be deemed a member of the mob and shall be liable in such action. County, right of action to recover.

SEC. 10. In case a mob shall carry a prisoner into another county, or shall come from another county to commit violence on a prisoner brought from such county for safe keeping, the county in which the lynching was committed may recover the amount of the judgment and costs against the county from which the mob came, unless there was contributory negligence on the part of the officials of said county, in failing to protect the prisoner or disperse said mob. Idem.

SEC. 11. Nothing in this act shall be held to relieve any person concerned in such lynching from prosecution for homicide, or assault, for engaging therein. Homicide.

Approved June 21, 1899.

[No. 253.]

AN ACT to establish and confirm the jurisdiction of Probate Courts over Testamentary Trusts and Trustees, and to provide for the Administration and control of such trusts in said courts.

The People of the State of Michigan enact:

Appointment of
trustees.

SECTION 1. That if a testator has omitted in his will to appoint a trustee in this State, and if such appointment is necessary to carry into effect the provisions of the will, the probate court of any county in which the will is admitted to probate shall at once give notice, as provided by this act, to all persons interested. Upon petition of any beneficiary under such will, to said probate court, praying for the appointment of a trustee, such probate court, after notice, as provided in this act, to all persons interested, of the filing of said petition, shall appoint a trustee, who shall have the same powers, rights and duties, and in whom the estate shall vest, in like manner as if he had been originally appointed by the testator.

Letters of
trusteeship.

SEC. 2. When lands in this State are held in trust for persons resident here by a trustee who derives his appointment or authority from a court having no jurisdiction within this State, such trustee shall, on petition made to the probate court in the county in which the lands lie, and after due notice, as provided by this act, be required to take out letters of trusteeship from said court; and, upon his neglect or refusal to comply with such order, the court shall declare such trust vacant, and shall after notice to all parties interested appoint a new trustee in whom the trust estate shall vest in like manner as if he had been originally appointed or authorized by said court.

Bond of
trustees.

SEC. 3. Every testamentary trustee before he enters upon his duties as trustee, shall, except when it is otherwise specially provided by law, give bond, with sufficient sureties, in such sum as the probate court for the county in which the will is proved or allowed may order, payable to the judge of said court and his successors, with conditions substantially as follows:

Inventory to be
made of real
and personal
estate.

First, To make and return to the probate court at such time as it may order a true inventory of all the real and personal estate belonging to him as trustee, which, at the time of making such inventory, shall have come to his possession or knowledge, or to the possession of any other person for him;

May dispose of.

Second, To manage and dispose of all such estate, and faithfully to discharge his trust in relation thereto, according to law and the will of the testator;

Annual
accounting.

Third, To render upon oath at least once a year, until his trust is fulfilled, a true account of the property in his hands and of the management and disposal thereof, and also to render such account at such other times as said court may order;

Settlement to
be made at
expiration of
trust.

Fourth, At the expiration of his trust to settle his account in the probate court, and to pay over and deliver all the estate remaining in his hands, or due from him on such settlement, to the person or persons entitled thereto;

Fifth, To perform all orders and decrees of the probate court, by the trustee to be performed in the premises.

SEC. 4. When such bond shall be approved by the judge of probate and filed in his office, letters of trusteeship shall be granted by the judge of probate to the trustee as evidence of his authority to act as such. Evidence of authority.

SEC. 5. The provisions of the statutes of this State applicable to the bond of an executor, or to the rights, duties and liabilities of the parties thereto, or any of them, including the release of the sureties, and the giving of a new or additional bond, shall, except as otherwise provided in this act, apply to the bond given by a trustee under the terms of this act, and to the parties thereto.

SEC. 6. After letters of trusteeship are issued, an inventory of the trust property shall be made in manner as provided by law for the inventory of the estate of a deceased person. But when a trustee is appointed by the probate court as the successor of a prior trustee, the court may dispense with the making and return of an inventory if it appears to be unnecessary, and in such case the condition of the bond shall be altered accordingly. Inventory, when to be made.

SEC. 7. When an inventory is required to be returned by a trustee, the estate and effects shall be appraised by two suitable persons, who shall be appointed and sworn as is required by law with respect to the appraisal of the estate inventoried by an executor. When estate to be appraised.

SEC. 8. A trustee under a will shall, except as provided in the following section, be exempt from giving a surety or sureties on his bond, when the testator has ordered or requested such exemption, or that no bond should be required, and any trustee shall, except as aforesaid, be so exempt when all persons beneficially interested in the trust, being of full age and legal capacity, request such exemption; but the trustee shall in any event, except it be otherwise specially provided by law, give his own personal bond. Trustee, when exempt from giving surety on bond.

SEC. 9. When a trustee, either under a will or appointed by the probate court, has not given a bond with sureties, the court may at any time, when it deems it proper, require him to give such bond. When bond has not been given.

SEC. 10. Every trustee who neglects to give bond in accordance with the preceding sections within thirty days after the probate court shall fix the penal sum of said bond shall be considered to have declined or resigned the trust. Trustee, who neglects to give.

SEC. 11. No trustee who has heretofore undertaken a trust, and who was not required to give bond by the laws in force at the time of his appointment, shall be required to give bond under the preceding sections, except by special order of the court under section nine. When bond not required.

SEC. 12. When an appointment of a trustee is invalid by reason of an irregularity, or for want of jurisdiction or authority in the court making such appointment, the person so When appointment of trustee invalid.

appointed shall be held to account for all money, property, or assets which have come to his hands as such trustee, or by reason of such appointment, in the same manner as if the appointment had been regular and valid; and any bond given in pursuance of such appointment shall be held to be valid and binding both on the principals and the sureties thereon, and payments to or by a person so appointed, if in other respects properly made, may, with the approval of the probate court, be ratified and confirmed by the trustee who may afterwards be legally appointed.

Bonds may be put in suit.

SEC. 13. Bonds given by trustees may be put in suit by the order of the probate court for the benefit of any person interested in the estate or trust, and the proceedings in such suit shall be conducted in like manner as is provided with respect to suits on bonds given by executors and administrators.

Transfer of estate held in trust.

SEC. 14. When the sale and conveyance or transfer of any real or personal estate held in trust appears to be necessary or expedient, the probate courts in the several counties, upon petition of a trustee or other party interested, may order, license and empower such sale and conveyance or transfer to be made, and the investment, reinvestment, and application of the proceeds of such sale in such manner as will best effect the objects of the trust.

Petition to sell, what to contain.

SEC. 15. The petition to the judge of probate specified in the preceding section shall contain the like statements, as near as may be, as are required in a petition for license to sell real estate by an executor or administrator; and the same notice of such application shall be given, and the same oath shall be required, and the same bond, except when it is otherwise specially provided by law shall be given, and the same notice of sale shall be given, and the like proceedings, as near as may be, shall in all respects be had, as in case of the sale of real estate by an executor or administrator under license of the probate court. But the petition need not set forth or describe any estate of the decedent except that which belongs to the trust. No sale made by a trustee under the provisions of this act shall be avoided on account of any irregularity or defect in the proceedings, unless the same irregularity or defect occurring in proceedings taken by an executor or administrator to sell lands belonging to the estate of a deceased person, under license of the probate court, would suffice to avoid the same.

Irregularity of sale.

Action for recovery of estate sold by trustee.

SEC. 16. No action for the recovery of any estate sold by a trustee under the provisions of this act shall be maintained by any beneficiary of the trust, or other person claiming under him, unless it is commenced within five years next after the sale. This section shall not apply to persons out of the State, nor to minors, or others under any legal disability to sue, at the time when the right of action shall first accrue; but all such persons may commence such action at any time within three years after the removal of the disability, or their return to this State.

SEC. 17. The several judges of probate may, subject to the limitations and restrictions contained in the will creating such trust, by order, license and empower any trustee to mortgage or otherwise pledge any real or personal estate held by him in trust, for the purpose of paying taxes or assessments levied or assessed on the trust estate, or the expenses of the management of such estate; for the purpose of paying the expense of erecting, altering, completing, repairing or improving a building on such estate; for the purpose of paying an existing lien or mortgage on such trust estate, or on a part thereof, or any debt chargeable against the trust estate or for which it is liable; to raise money for any purpose in order to carry out the provisions of the will creating the trust; or the trustee may be authorized to make an agreement for the extension or renewal of any existing mortgage.

Mortgage of
trust estates.

SEC. 18. Such order shall be obtained by a petition to the judge of the probate court having jurisdiction of the trust. Such petition shall set forth the purpose for which it is desired to mortgage or otherwise pledge the estate, and shall contain the like statements as are required by this act in a petition for license to sell real estate by a trustee, and the same notice of such application shall be given, and with the same effect, as is required in the case of an order to sell real estate belonging to the trust. Such order shall specify the amount to be secured by such mortgage, the rate of interest to be given, and the length of time for which such mortgage shall be given, and also the description of the property to be mortgaged; which mortgage the trustee shall execute with all the formalities required by law for such securities.

Idem.

SEC. 19. Before executing such order the trustee shall give bond, except when it is otherwise specially provided by law, in like manner and form, as near as may be, as is in this act, required from him in case of the sale of real estate; and the proceedings of such trustee in mortgaging such estate shall be reported to the judge of probate, and by him be subject to be confirmed or vacated, and new proceedings be had to the same extent, and in the same manner, as near as may be, as is provided by law in case of the sale of real estate by an executor or administrator under license of the probate court.

Idem.

SEC. 20. If it appears to the court, upon proceedings under sections fourteen or seventeen of this act, that the estate which is the subject of the petition may be held in trust for, or that a remainder or contingent interest therein may be limited over to, persons not ascertained or not in being, notice shall be given in such manner as the court may order, to all persons who are or may become interested in such estate, and to all persons whose issue, not then in being, may become so interested; and the court shall in every such case appoint a suitable person to act therein as the guardian *ad litem* of all persons not ascertained or not in being, who are or may become interested in such estate, the cost of whose appearance, including the compensation of his counsel, shall be determined

Duty of court
relative to
transfer of
estate.

by the court, and paid, as it may order, either out of the trust estate or by the petitioner, in which latter case execution may issue therefor in the name of the guardian *ad litem*; and a conveyance, transfer or mortgage, made after such notice and proceedings, shall be conclusive upon all persons, whether in being or not in being, who are or may become interested in the trust, or to whom a remainder or contingent interest in the trust estate may be limited over.

Annual
account.

SEC. 21. It shall be the duty of every testamentary trustee to render his account of his administration of his trust within one year after his appointment, and thereafter also annually to render his accounts to the probate court of the county having jurisdiction of the estate or trust, in the manner provided by law for the rendition and settlement of the accounts of executors and administrators. Before the account of any trustee shall be allowed, notice shall be given to all persons interested of the time and place of examining and allowing the same. Such notice shall be given in manner as provided in section thirty-nine of this act.

Idem.

SEC. 22. It shall be the duty of the judge of probate of such county to notify and require every such trustee to render the accounts provided for in the preceding section, at the times therein specified; and upon the petition of a person interested, absolutely or contingently, in the estate or fund in the hands of a testamentary trustee, or in the application thereof, or of the income or other proceeds thereof, the probate court may, in its discretion, make, at any time, an order requiring a testamentary trustee to render his account.

Person entitled
to payment of
money by
trustee.

SEC. 23. Where a person is entitled by the terms of the will to the payment of money or the delivery of property by a testamentary trustee, he may present to the probate court a written petition, duly verified, setting forth the facts which entitle him to the payment or delivery, and praying for a decree directing payment or delivery accordingly; and that the testamentary trustee may be cited to show cause why such decree should not be made. If the petitioner is so entitled only upon the happening of a contingency or after the expiration of a certain time, he must show in his petition that his right to the money or other property has become absolute. Upon the presentation of such petition the probate court must issue a citation or give notice of hearing.

Notice of
hearing.

Trustee unable
to deliver per-
sonal property.

SEC. 24. Upon the return of a citation or proof of the giving of notice, as prescribed in the last section, the probate court shall hear the allegations and proofs of the parties and make such decree in the premises as justice requires. In a proper case the decree may require the testamentary trustee who is unable to deliver personal property to which the petitioner is entitled, to pay the value thereof.

SEC. 25. Where it appears upon the presentation of a petition, as prescribed in section twenty-three of this act, that a decree made pursuant to the prayer thereof might affect the

rights of other persons with respect to the estate or fund held by the testamentary trustee, the citation must also be directed or notice given to those persons. Where that fact appears upon the return of the citation or upon the hearing, and it also appears presumptively that the petitioner is entitled to a decree, all the persons whose rights may be so affected must be brought in by supplemental citation or notice before a decree is made.

SEC. 26. When the trust, or one or more distinct and separate trusts created by the will, have been or are ready to be fully executed, a testamentary trustee may present to the probate court his account with a petition, duly verified, setting forth the facts, and praying that his account may be finally settled; and that all the persons who are entitled, absolutely or contingently, by the terms of the will, or by operation of law, to share in the fund or in the proceeds of the property held by the petitioner as a part of his trust, may be cited to attend the settlement. Thereupon, the probate court must issue a citation or give notice of hearing. Any person, although not named in the citation, who is beneficially interested in the estate or fund which came into the petitioner's hands, or in the proceeds thereof, or in the application of that estate or fund, or of the proceeds thereof, is entitled to appear upon the hearing and thus make himself a party to the proceeding.

Trustee to petition for settlement.

Notice of hearing.

Person not named in notice.

SEC. 27. Upon the return of a citation or proof of the giving of notice as prescribed in the last section, the probate court shall examine the account and hear the allegations and proofs of the parties respecting the same. Any party may contest the account with respect to a matter affecting his interest in the settlement and distribution of the estate.

Court to examine account of trustee.

SEC. 28. In either of the following cases the probate court may compel a final judicial settlement of the account of a testamentary trustee:

When court may order final settlement.

1. Where the trustee has been removed or for any other reason his powers have ceased.

2. Where the trust, or one or more distinct and separate trusts, created by the terms of the will, have been executed or are ready to be executed; so that the persons beneficially interested are, by the terms of the will, or by operation of law, entitled to receive any money or other property from the trustee.

SEC. 29. A petition praying for a final judicial settlement as prescribed in the last section, and that the testamentary trustee may be cited to show cause why he should not render and settle his account, may be presented by any person beneficially interested in the execution of any of the trusts; or by any person duly qualified in behalf of an infant so beneficially interested; or by a surety in the bond of the testamentary trustee given as prescribed in this act, or by the legal representatives of such a surety. Upon the presentation of the petition, the judge of probate shall issue a citation accordingly,

Trustee to show cause for not rendering account.

unless the account of the testamentary trustee has been judicially settled within a year before the petition is presented; in which case the judge of probate may, in his discretion, entertain or decline to entertain the petition.

Idem

SEC. 30. Upon the return of such citation, the trustee may be required to account, within such time and in such manner as the probate court shall direct, and attend, from time to time, before the probate court for that purpose. If the trustee fails to comply with such order, the probate court may remove him from his trust, and take such other proceedings, and make such order or decree, as justice may require. The probate court shall also have power to issue supplemental citations, or to give such supplemental notice as to it may seem fit, directed to the persons to whom notice must be given upon the petition of a trustee for a judicial settlement of his account, and requiring them to attend the accounting.

Rights of certain persons to personal property, who to retain.

SEC. 31. Upon a judicial settlement of the account of a testamentary trustee, a controversy which arises respecting the right of a person to share in the money or other personal property to be paid, distributed or delivered over, must be determined in the same manner as other issues are determined. If such a controversy remains undetermined after the determination of all other questions upon which the distribution of the fund or the delivery of the personal property depends, the decree shall direct that a sum sufficient to satisfy the claim in controversy, or the proportion to which it is entitled, together with the probable amount of the interest and costs, and, if the case so requires, that the personal property in controversy be retained in the hands of the accounting party; or that the money be deposited in a safe bank or trust company, subject to the order of the probate court, for the purpose of being applied to the payment of the claim when it is due, recovered or settled; and that so much thereof as is not needed for that purpose be afterwards distributed according to law.

Trustee to petition relative to resignation

SEC. 32. A testamentary trustee may, at any time, present to the probate court a written petition, duly verified, praying that his account may be judicially settled; that a decree may thereupon be made allowing him to resign his trust and discharging him accordingly; and that all persons who are entitled, absolutely or contingently, by the terms of the will, or by operation of law, to share in the fund or estate, or the proceeds of any property held by the petitioner, as a part of his trust, may be cited to show cause why such a decree should not be made. The petition must set forth the facts upon which the application is founded; and it must in all other respects conform to a petition presented for a judicial settlement of the account of a testamentary trustee, as prescribed in this act. The judge of probate may, in his discretion, entertain or decline to entertain the petition. If he entertains it, the proceedings must be in all respects the same as upon a petition for a judicial settlement of the petitioner's account, except that upon the hearing the judge of probate must first de-

termine whether sufficient reasons exist for granting the prayer of the petition; and if he determines that they exist, he shall make an order accordingly, and allowing the petitioner to account for the purpose of being discharged. Upon the petitioner's fully accounting and paying all money belonging to the trust and delivering all books, papers and other property of the trust in his hands either into the probate court or as the judge of probate directs, a decree may be made accepting his resignation, and discharging him accordingly.

SEC. 33. Upon the written petition, duly verified, of any person beneficially interested in the execution of the trust setting forth the facts and praying for the removal of a testamentary trustee, the probate court may remove such trustee in any of the following cases:

Trustee may be removed on petition of person interested.

1. Where he has become or is insane or otherwise incapable of discharging his trust or evidently unsuitable therefor.

Insane, etc.

2. Where by reason of his having wasted or improperly applied the money or other property in his charge, or invested money in securities unauthorized by law, or otherwise improvidently managed or injured the property committed to his charge, or by reason of other misconduct in the execution of his trust, or dishonesty, drunkenness, improvidence or want of understanding, he is unfit for the due execution of his trust.

Money invested in securities unauthorized.

3. Where he has failed to give a bond as required by an order or decree made as prescribed in this act; or has wilfully refused, or without good cause neglected to obey a direction of the judge of probate contained in any other order or decree made as prescribed in this act; or any provision of law relating to the discharge of his duty.

Neglect of duties.

4. Where for any reason it appears essential to the interests of the beneficiaries that such removal be made.

When interest of beneficiaries appears.

The trustee shall have notice of the application and an opportunity to be heard and to show cause why the removal should not be made.

Trustee to have notice of application.

SEC. 34. A testamentary trustee who has resigned or been removed shall forthwith deliver all of the property in his possession belonging to the trust to his co-trustee, or to his successor, as the case may be, as soon as such successor has qualified; and shall within thirty days after the acceptance of his resignation, or after the making of the order of removal, as the case may be, or within such time as the probate court may direct, render his final account and the same notice with like effect shall be given and the same proceedings shall be had thereon as herein provided upon the hearing of the final account of a testamentary trustee.

When trustee to deliver property to successor.

SEC. 35. Where a sole testamentary trustee dies or is by the decree of the probate court removed or allowed to resign, or a vacancy in the office of such trustee is in any manner created, and the trust has not been fully executed, the same court may appoint his successor, unless such an appointment would contravene the express terms of the will. Where one of two or more testamentary trustees dies or is by decree of the pro-

When court may appoint successor.

bate court removed, or allowed to resign, a successor shall not be appointed except where such appointment is necessary in order to comply with the express terms of the will, or unless the court shall be of the opinion that the appointment of a successor would be for the benefit of the *cestui que* trust. Unless and until a successor is appointed, the remaining trustee or trustees may proceed and execute the trust as fully as if such trustee or trustees has not died, been removed or resigned. The successor shall be appointed in the manner prescribed by section one of this act for the appointment of trustees.

Verification. SEC. 36. Every account filed in the probate court, as prescribed in this chapter, shall be under oath; but the probate court may allow the account of two or more trustees upon the oath of one of them. Any trustee may be examined on oath upon any matter relating to his account.

Compensation. SEC. 37. In all accountings of trustees under this act, the probate court before which such accounting may be had shall allow to the trustee his reasonable expenses incurred in the execution of his trust, and the same compensation for his services by way of commissions as is allowed by law to executors and administrators; and also, in all cases where to the court a further allowance seems proper, such additional sum for the services of such trustee as the court in which his accounts are settled may deem just and reasonable.

Idem. SEC. 38. When provision shall be made by the will for the compensation to the trustee, that shall be deemed a full compensation for his services, if he accepts the trust under the will, unless he shall, by a written instrument filed in the probate court, renounce all claim to the compensation provided by the will. In case claim to the compensation provided by the will is renounced, the trustee shall be entitled to his compensation as in other cases.

Citation. SEC. 39. In all cases where, by the terms of this act, the issue of citation is provided for, such citation shall be served personally, or if the person named therein cannot be found within the county in which the court sits, then it may be served by mail under the direction of the probate court; or in lieu of the issue and serving of such citation, notice may be given to the person or persons interested by publication, under the direction of the probate court, for such time and in such manner as that court may determine. Any notice provided for in this act may be given by publication or otherwise, as specified in this section.

Guardian ad litem. SEC. 40. When, upon filing or hearing of an account of a trustee in a probate court, or any petition allowed by this act to be filed in such court, it appears to the court that the interest of a person unborn, unascertained or legally incompetent to act in his own behalf is not represented otherwise than by the trustee, the court may, and upon the request of any person interested shall, appoint some competent and disin-

interested person to act as guardian *ad litem* for such person and to represent his interest in the matter. The person so appointed shall make oath to perform his duty faithfully and impartially and shall be entitled to such reasonable compensation for his services as the court may allow.

Duties, compensation, etc.

SEC. 41. The decree of the court having jurisdiction allowing any account of a trustee shall, except in cases of fraudulent concealment or fraudulent misrepresentation on the part of the trustee, be final and conclusive against all persons interested in such account and legally competent at the date of such decree, and against all other persons who are or may become interested therein, although unborn, unascertained or legally incompetent to act in their own behalf, if their general guardian or guardian *ad litem* has, after having been duly appointed, assented to such account, or has been heard thereon, or been notified of the hearing thereon; but such decree may be appealed from in the manner provided in the next section of this act.

Effect of decree.

SEC. 42. The decree of the probate court upon the settlement of the account of any testamentary trustee, as herein provided, or any other order or decree of the probate court, made pursuant to any provision of this act, may be appealed from in the manner provided by law for appeals from other orders, sentences, decrees or denials of a judge of probate, and the like proceedings shall be had upon such appeal; and the probate court may, upon the appeal of a trustee from an order removing him, or from an order settling and allowing his account, require him to give a bond in a sum sufficient to cover the property in his hands.

Appeal.

SEC. 43. The term "testamentary trustee" as used in this act includes every person, except an executor, an administrator with the will annexed, or a guardian, who is designated by a will or by any competent authority to execute a trust created by a will; and it includes such an executor or administrator where he is acting in the execution of a trust created by the will which is separable from his functions as executor or administrator.

Definition of term "testamentary trustee."

SEC. 44. Where the same person is a testamentary trustee and also the executor of the will or an administrator with the will annexed upon the same estate, proceedings taken by or against him, as prescribed in this act, do not affect him as executor or administrator, or the creditors of, or persons interested in, the general estate, except in one of the following cases:

Effect of proceedings when same person is trustee and executor.

1. Where he presents a petition praying for the revocation of his letters testamentary or letters of administration, he may also, in the same petition, set forth the facts, upon showing which he would be allowed to resign as testamentary trustee; and may thereupon pray for a decree allowing him to resign, and for a citation accordingly.

Idem.

Idem.

2. Where a person presents a petition praying for the removal of an executor or administrator with the will annexed and any of the facts set forth in the petition are made by the provisions of this act sufficient to entitle the same person to present a petition praying for the removal of a testamentary trustee, the petitioner may pray for a decree removing the person complained of in both capacities, and for a citation accordingly. In either case proceedings upon the petition for the removal of the testamentary trustee, and for the judicial settlement of his account, may be taken as prescribed in this act, in connection with, or separately from, the like proceedings upon the petition for the removal of an executor or administrator with the will annexed as the probate court directs.

Application of act.

SEC. 45. The provisions of this act apply to a trust created by the will of a resident of this State, or relating to real property situated within the State, without regard to the residence of the trustee or the time of the execution of the will. All trustees created by any last will and testament heretofore admitted to probate, or appointed by any competent authority to execute any trust created by any last will and testament heretofore admitted to probate, shall account under this act, and shall, in all respects, be governed thereby, except that it shall not be necessary for any such trustee to give bond or sue out letters of trusteeship, unless the probate court shall require it; and the first account of such trustee shall be filed within one year from the time when this act takes effect.

Construction of act.

SEC. 46. The provisions of this act shall not be construed to in any manner limit, change, modify or abolish the jurisdiction, as it now exists, of the courts of chancery of this State, of, over or concerning such trustees and trust estates, but the same shall remain and continue in all respects as though this act had not been passed.

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Approved June 21, 1899.	

[No. 254.]

AN ACT to Regulate the Sale of Butter produced by taking original packing stock and other Butter and melting the same, so that the Butter oil can be drawn off, mixed with skimmed Milk or other Material and by Emulsion or other Process produce Butter, and Butter produced by any similar Process, and commonly known as "Process" Butter; Providing for the Enforcement thereof, and punishment for the violation of the same.

The People of the State of Michigan enact:

SECTION 1. That no person, firm or corporate body shall, within this State, sell, or offer or expose for sale, or have in his, her or their possession with intent to sell, any butter not labeled in compliance with the provisions of this act. Butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skim milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Process" butter, shall before sale, and before being offered and exposed for sale, and while in the possession of any person, firm or corporate body with intent to sell the same be plainly labeled "Process Butter," in the manner prescribed by this act. If sold, offered or exposed for sale, or in possession of any person, firm or corporate body with intent to sell, the prints or rolls shall be covered by wrappers, on which shall be printed in conspicuous letters the words "Process Butter." If packed in tubs or other receptacles, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, the said words shall be printed in one inch letters on the top and two sides of the tub or receptacle; if uncovered and not contained in a tub or other receptacle, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, a placard containing the said words shall be attached to the mass, in a manner making them plain and prominent.

Unlawful to
sell process
butter not
properly
labeled.

"Process" but-
ter, now
labeled.

Penalty for violation of act.

Proviso as to powers of Dairy and Food Commissioner.

Expense, etc., how paid.

Violation a misdemeanor.

Penalty.

Proviso.

Justices may hear and determine actions.

SEC. 2. Every person, firm, or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than twenty-five dollars nor more than one hundred dollars, which shall be recoverable with costs, including expense of inspection and analysis, by any person suing in the name of the People of the State of Michigan, as debts of like amount are by law recoverable: *Provided*, That the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, buildings, carriages, cars, vessels, barrels and packages of whatever kind, used in the manufacture and transportation and sale of any butter or any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel or vessel containing any butter, or any adulteration or imitation thereof, which may be manufactured, sold, or offered or exposed for sale, or held in possession with intent of the holder to sell; and they shall also have full power and authority to take the samples thereof for analysis, upon tendering the value of said samples. And all charges, accounts, and expenses of the department for the enforcement of this act, through the said commissioner, and his deputies, agents, assistants, chemists and counsel employed by him in carrying out the provisions of this act, shall be paid by the treasurer of the State out of the appropriation for the support of the Dairy and Food Department.

SEC. 3. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both fine and imprisonment, for the first offense; and a fine of one hundred dollars and imprisonment for thirty days, for every subsequent offense: *Provided*, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury, as provided by section two of this act; and all butter sold or offered or exposed for sale, or held in the possession of anyone with intent to sell the same in violation of the provisions of this act shall be subject to forfeiture and spoliation.

SEC. 4. Justices of the peace throughout this State shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court or to impose the penalties imposed therein, subject to appeal as the law shall direct.

Approved June 22, 1899.

[No. 255.]

AN ACT to prevent trusts, monopolies and combinations of capital, skill or arts, to create or carry out restriction in trade or commerce; to limit or reduce the production, or increase or reduce the price, of merchandise or any commodity; to prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity; to fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption.

The People of the State of Michigan enact:

SECTION 1. That a trust is a combination of capital, skill or arts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them, for either, any or all of the following purposes: "Trust" defined.

1. To create or carry out restrictions in trade or commerce;
2. To limit or reduce the production, or increase or reduce the price of, merchandise or any commodity;
3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity;
4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State;

5. It shall hereafter be unlawful for two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them, to make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers, in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every Unlawful to form.

Penalty. for any other purpose than such as the articles of association, by-laws and contracts with members prescribe. Any officer of a corporation mentioned in this section who shall violate any of the provisions thereof shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

Repealing clause. SEC. 4. All acts and parts of acts inconsistent with the provisions of section one of this act are hereby repealed.

Approved June 23, 1899.

[No. 257.]

AN ACT to amend section twenty-five of act number one hundred thirty-seven of the laws of one thousand eight hundred forty-nine, as amended, relative to authorizing proceedings against garnishees and for other purposes, as amended, being section eight thousand fifty-five of Howell's Annotated Statutes, the same being compiler's section one thousand fourteen of the Compiled Laws of eighteen hundred ninety-seven, as amended by act number one hundred seventy-eight of the session laws of one thousand eight hundred ninety-one, and to add two new sections thereto to stand as sections twenty-five a and twenty-five b.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section twenty-five of act number one hundred thirty-seven of the laws of one thousand eight hundred forty-nine, as amended, being section eight thousand fifty-five of Howell's Annotated Statutes, as amended by act number one hundred seventy-eight of the session laws of one thousand eight hundred ninety-one, the same being compiler's section one thousand fourteen of the Compiled Laws of eighteen hundred ninety-seven, and adding a section thereto, be and the same is hereby amended so as to read as follows:

Corporations liable as garnishees.

SEC. 25. All corporations of whatsoever nature, whether foreign, domestic, municipal or otherwise, except counties, may be proceeded against as garnishees in the same manner and with like effect as individuals under the provisions of this act, and the rules of law regulating proceedings against corporations, and the summons against the garnishee in such case may be served on the president, cashier, secretary, treasurer, controller or other principal officer of such corporation, and it shall be the duty of such officer so served, or the proper officer of such corporation having knowledge of the facts, to appear before the justice at the return day of such summons and

Service of summons.

answer thereto, or to answer at his option in writing, verified by his oath, before some person authorized to administer oaths, and transmit the same, by mail or otherwise, to the justice issuing said summons on or before the return day thereof, which shall be deemed a sufficient compliance with such summons; and unless he shall so appear or so answer, such corporation shall be held to be indebted to the defendant in the original suit to the amount of any judgment that may be made against such defendant in said original suit, unless within three days after the return day of such summons such corporation shall, by such officer, show a sufficient reason to the satisfaction of the justice for not appearing to answer such summons, and the justice shall thereupon, on the third secular day, render judgment against such corporation, as against other garnishees, for the amount of such debt, and with like effect; but on such cause shown, such officer may be examined as other garnishees, and with like effect, as against the corporation he represents. Such corporation or the plaintiff in such suit may appeal from such judgment rendered under this section to the circuit court of the proper county, in the same manner as appeals may be taken from any other judgment of a justice of the peace, where the liability of such corporation may be fully inquired into: *Provided*, That when a municipal corporation is proceeded against, as provided for in this act, judgment shall have been obtained in a court of competent jurisdiction by the plaintiff against the defendant before garnishment proceedings shall be valid against such municipal corporation: *Provided, further*, That it shall be necessary for the plaintiff in the action to cause to be served a notice in writing upon the clerk, treasurer or comptroller of such municipal corporation, signed by the justice of the peace before whom an action of garnishment has been commenced, stating that judgment has been rendered and is on file in favor of the plaintiff and against the defendant; that the plaintiff has filed an affidavit to that effect, and that he believes or has good reason to believe that such municipal corporation is indebted to the defendant, and has money, property or effects in its hands belonging to such defendant, and that such municipal corporation shall hold such money, property or effects until the final disposition of the action of garnishment then pending before such justice, unless sooner released by the justice. Such municipal corporation receiving the notice herein provided shall hold any money, property or effects in its hands belonging to the defendant named in such notice until the final disposition of the action against said municipal corporation, unless sooner released by order of the justice. Such money may be released by the defendant, giving a bond in double the amount claimed to be due by the plaintiff in the action then pending, conditioned that if the plaintiff recover, the bondsman will pay into the court for the use of said plaintiff the amount of such judgment and costs,

Answer.

Failure to answer, subject corporation to payment of judgment against defendant.

Judgment against corporation.

Appeal.

Proviso.

Further proviso.

Corporations to hold money, etc., of defendant.

How money may be released.

Copy of judgment filed with treasurer.

Filing of judgment to constitute lien.

Proviso as to appeal.

Jurisdiction.

Repealing clause.

such bond to be approved by the justice. The plaintiff in such original action against the defendant shall cause to be filed with the treasurer of such municipal corporation, at the time of service of the notice aforesaid, a certified copy of the judgment, whereupon such municipal corporation shall be liable to the judgment creditor for the amount of such judgment. The filing of such judgment shall constitute a lien upon any money, property or effects that such municipal corporation may have in its hands belonging to the defendant in such action, and such municipal corporation shall be required to make disclosure the same as in garnishee proceedings, and such further action shall be had under the law now provided for in garnishee proceedings, after the service of a summons, and any reference hereafter made relative to garnishees shall include and be construed to mean municipal corporations, after a filing of a certified copy of the judgment, as hereinbefore provided: *Provided, further,* That when such corporation shall wish to appeal, in cases where they have not answered as garnishees, they shall, in addition to the other requirements of law, file with the justice a full and complete answer, in writing, as such garnishees, verified by the oath of one of the officers having knowledge of the facts, which said officer shall also answer under oath all questions put to him by such justice relating to the matter of such suit, and whereupon the said justice shall, within the time required for making such return of such appeal, at the option of the plaintiff, either make such return or set aside the judgment rendered against such corporation, by entry thereon upon his docket, and across the face of such judgment, in which event said corporation, if they have not already paid all costs in such suit, shall be liable for the same.

SEC. 25a. Jurisdiction is hereby conferred upon justices of the peace to proceed against municipal corporations, except counties, by garnishment.

SEC. 25b. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 23, 1899.

[No. 258.]

AN ACT to amend section four of chapter ten of an act entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being act one hundred sixty-four of the public acts of eighteen hundred eighty-one, the same being Compiler's section four thousand seven hundred forty-six of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section four of chapter ten of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act, the same being compiler's section four thousand seven hundred forty-six of the Compiled Laws of eighteen hundred ninety-seven, be amended so as to read as follows:

Section
amended.

CHAPTER X.

SEC. 4. No alterations shall be made in the boundaries of any graded school district without the consent of a majority of the trustees of said district, which consent shall be spread upon the record of the district, and placed on file in the office of the clerk of the board of school inspectors of the township or city to which the reports of said district are made; and graded school districts shall not be restricted to nine sections of land:

Consent of
trustees neo-
cessary to
change bound-
aries of
district.

Provided, however, That any three or more tax paying elect-
ors having children between the ages of five and twelve years, residing one and one-half miles or more from a school house in such district, feeling themselves aggrieved by any action, order or decision of the board of trustees with reference to the alteration of said school district, affecting their interests, may, at any time within sixty days from the time of such action on the part of said board of trustees, appeal from such action, order or decision of such board of school trustees, to the judge of probate of the county in which such school house is situated, in the same manner, as nearly as may be, as appeals from the action of inspectors, as provided by chapter nine of this act. Said appellants shall file a bond with said judge of probate, with sufficient sureties, to be approved by said judge of probate, in the penal sum of two hundred dollars, indemnifying said school district of any and all costs made on such appeal in case the appellants shall not prevail therein. Whereupon said judge of probate shall be empowered to entertain such appeal, and review, confirm or set aside or amend the action of the board of trustees appealed from.

Proviso as to
persons
aggrieved.

Appellant to
file bond.

Judge of Pro-
bate to review
action of board.

Approved June 23, 1899.

[No. 259.]

AN ACT to license itinerant merchants, jobbers and traders in the sale of goods, wares and merchandise.

The People of the State of Michigan enact:

Itinerant merchants to obtain license.

SECTION 1. That no person or persons in this State shall engage in the sale of goods, wares or merchandise as an itinerant merchant, jobber or trader, unless he or they shall have first procured a license therefor as hereinafter provided.

Application, how made.

SEC. 2. Each and every person or persons desiring to engage in such business shall make application in writing, under oath, to the township board, village or city council, as the case may be, specifying as near as may be the street and building in which he or they intend to carry on such business, and the manner of conducting the same.

Who to determine amount of license.

SEC. 3. The township board, village or city council, as the case may be, to whom any such application is made, upon receipt of the same, or as soon thereafter as may be, shall determine the amount to be paid by such applicant for the license to carry on such business, which amount shall not be less than ten dollars nor more than one hundred dollars.

License, where paid, who to issue.

SEC. 4. The amount required to be paid by any such applicant shall be paid to the township, village or city treasurer of the township, village or city wherein said application is made to carry on such business, and thereupon the township board, village or city council shall authorize the clerk of the township, village or city, as the case may be, to issue to such applicant a license under the seal of the township, village or city, which license, when issued as herein provided, shall authorize such applicant to engage in such business at the place and in the manner indicated in the application therefor for a period not to exceed one year.

License not transferable.

SEC. 5. No person or persons licensed as an itinerant merchant, jobber or trader as hereinafter provided, shall, by virtue of one license, keep more than one house, shop or place for carrying on such business; nor shall any person or persons so licensed transfer, sell or assign his, her or their license.

Not to apply to cities or villages having ordinance.

SEC. 6. This act shall not apply to any village or city in this State having in force and operation an ordinance regulating or licensing itinerant or transient merchants, jobbers and traders at the time this act takes effect, or that may hereafter provide for the regulation or licensing of such person or persons by ordinance.

Penalty.

SEC. 7. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon con-

viction thereof shall pay a fine of not less than five dollars nor more than fifty dollars for each offense; and shall also be liable to imprisonment in the county jail for a term not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court.

Approved June 23, 1899.

[No. 260.]

AN ACT to provide for the service of processes, notices and writings upon railroad companies in this State and to repeal act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended.

The People of the State of Michigan enact:

SECTION 1. That whenever in any suit or proceedings, either in law or equity, it shall become necessary to serve any process, notice or writing upon any railroad company in this State, it shall be sufficient to serve the same upon any station agent, or ticket agent at any station or depot along the line, or at the end of the railroad of such company, and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either of them, of such company: *Service of process.* *Provided,* That in counties where the company has no such station or ticket agent, service may be made by serving the same upon any conductor of a freight or passenger train. *Proviso.*

SEC. 2. Act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended by act number two hundred seven of the session laws of eighteen hundred eighty-five, entitled "An act to provide for the service of writings, processes and notices in certain cases on persons in the employ of certain corporate companies," the same being section ten thousand twenty-two of the Compiled Laws of eighteen hundred ninety-seven, is hereby repealed. *Repealing clause.*

Approved June 23, 1899.

[No. 261.]

AN ACT to amend section nine of act number one of the Public Acts of eighteen hundred and ninety-eight, approved April fifteenth, eighteen hundred and ninety-eight, entitled "An act authorizing a War Loan and providing for the disbursements of the proceeds therefrom and for a War Loan Sinking Fund for the purpose of liquidating the loan."

[No. 259.]

AN ACT to license itinerant merchants, jobbers and traders in the sale of goods, wares and merchandise.

The People of the State of Michigan enact:

Itinerant merchants to obtain license.

SECTION 1. That no person or persons in this State shall engage in the sale of goods, wares or merchandise as an itinerant merchant, jobber or trader, unless he or they shall have first procured a license therefor as hereinafter provided.

Application, how made.

SEC. 2. Each and every person or persons desiring to engage in such business shall make application in writing, under oath, to the township board, village or city council, as the case may be, specifying as near as may be the street and building in which he or they intend to carry on such business, and the manner of conducting the same.

Who to determine amount of license.

SEC. 3. The township board, village or city council, as the case may be, to whom any such application is made, upon receipt of the same, or as soon thereafter as may be, shall determine the amount to be paid by such applicant for the license to carry on such business, which amount shall not be less than ten dollars nor more than one hundred dollars.

License, where paid, who to issue.

SEC. 4. The amount required to be paid by any such applicant shall be paid to the township, village or city treasurer of the township, village or city wherein said application is made to carry on such business, and thereupon the township board, village or city council shall authorize the clerk of the township, village or city, as the case may be, to issue to such applicant a license under the seal of the township, village or city, which license, when issued as herein provided, shall authorize such applicant to engage in such business at the place and in the manner indicated in the application therefor for a period not to exceed one year.

License not transferable.

SEC. 5. No person or persons licensed as an itinerant merchant, jobber or trader as hereinafter provided, shall, by virtue of one license, keep more than one house, shop or place for carrying on such business; nor shall any person or persons so licensed transfer, sell or assign his, her or their license.

Not to apply to cities or villages having ordinance.

SEC. 6. This act shall not apply to any village or city in this State having in force and operation an ordinance regulating or licensing itinerant or transient merchants, jobbers and traders at the time this act takes effect, or that may hereafter provide for the regulation or licensing of such person or persons by ordinance.

Penalty.

SEC. 7. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon con-

viction thereof shall pay a fine of not less than five dollars nor more than fifty dollars for each offense; and shall also be liable to imprisonment in the county jail for a term not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court.

Approved June 23, 1899.

[No. 260.]

AN ACT to provide for the service of processes, notices and writings upon railroad companies in this State and to repeal act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended.

The People of the State of Michigan enact:

SECTION 1. That whenever in any suit or proceedings, either in law or equity, it shall become necessary to serve any process, notice or writing upon any railroad company in this State, it shall be sufficient to serve the same upon any station agent, or ticket agent at any station or depot along the line, or at the end of the railroad of such company, and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either of them, of such company: *Service of process.*
Provided, That in counties where the company has no such station or ticket agent, service may be made by serving the same upon any conductor of a freight or passenger train. *Proviso.*

SEC. 2. Act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended by act number two hundred seven of the session laws of eighteen hundred eighty-five, entitled "An act to provide for the service of writings, processes and notices in certain cases on persons in the employ of certain corporate companies," the same being section ten thousand twenty-two of the Compiled Laws of eighteen hundred ninety-seven, is hereby repealed. *Repealing clause.*

Approved June 23, 1899.

[No. 261.]

AN ACT to amend section nine of act number one of the Public Acts of eighteen hundred and ninety-eight, approved April fifteenth, eighteen hundred and ninety-eight, entitled "An act authorizing a War Loan and providing for the disbursements of the proceeds therefrom and for a War Loan Sinking Fund for the purpose of liquidating the loan."

[No. 259.]

AN ACT to license itinerant merchants, jobbers and traders in the sale of goods, wares and merchandise.

The People of the State of Michigan enact:

Itinerant merchants to obtain license.

SECTION 1. That no person or persons in this State shall engage in the sale of goods, wares or merchandise as an itinerant merchant, jobber or trader, unless he or they shall have first procured a license therefor as hereinafter provided.

Application, how made.

SEC. 2. Each and every person or persons desiring to engage in such business shall make application in writing, under oath, to the township board, village or city council, as the case may be, specifying as near as may be the street and building in which he or they intend to carry on such business, and the manner of conducting the same.

Who to determine amount of license.

SEC. 3. The township board, village or city council, as the case may be, to whom any such application is made, upon receipt of the same, or as soon thereafter as may be, shall determine the amount to be paid by such applicant for the license to carry on such business, which amount shall not be less than ten dollars nor more than one hundred dollars.

License, where paid, who to issue.

SEC. 4. The amount required to be paid by any such applicant shall be paid to the township, village or city treasurer of the township, village or city wherein said application is made to carry on such business, and thereupon the township board, village or city council shall authorize the clerk of the township, village or city, as the case may be, to issue to such applicant a license under the seal of the township, village or city, which license, when issued as herein provided, shall authorize such applicant to engage in such business at the place and in the manner indicated in the application therefor for a period not to exceed one year.

License not transferable.

SEC. 5. No person or persons licensed as an itinerant merchant, jobber or trader as hereinafter provided, shall, by virtue of one license, keep more than one house, shop or place for carrying on such business; nor shall any person or persons so licensed transfer, sell or assign his, her or their license.

Not to apply to cities or villages having ordinance.

SEC. 6. This act shall not apply to any village or city in this State having in force and operation an ordinance regulating or licensing itinerant or transient merchants, jobbers and traders at the time this act takes effect, or that may hereafter provide for the regulation or licensing of such person or persons by ordinance.

Penalty.

SEC. 7. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon con-

viction thereof shall pay a fine of not less than five dollars nor more than fifty dollars for each offense; and shall also be liable to imprisonment in the county jail for a term not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court.

Approved June 23, 1899.

[No. 260.]

AN ACT to provide for the service of processes, notices and writings upon railroad companies in this State and to repeal act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended.

The People of the State of Michigan enact:

SECTION 1. That whenever in any suit or proceedings, either in law or equity, it shall become necessary to serve any process, notice or writing upon any railroad company in this State, it shall be sufficient to serve the same upon any station agent, or ticket agent at any station or depot along the line, or at the end of the railroad of such company, and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either of them, of such company: *Service of process.*
Provided, That in counties where the company has no such station or ticket agent, service may be made by serving the same upon any conductor of a freight or passenger train. *Proviso.*

SEC. 2. Act number one hundred fifty-six of the session laws of eighteen hundred forty-nine, as amended by act number two hundred seven of the session laws of eighteen hundred eighty-five, entitled "An act to provide for the service of writings, processes and notices in certain cases on persons in the employ of certain corporate companies," the same being section ten thousand twenty-two of the Compiled Laws of eighteen hundred ninety-seven, is hereby repealed. *Repealing clause.*

Approved June 23, 1899.

[No. 261.]

AN ACT to amend section nine of act number one of the Public Acts of eighteen hundred and ninety-eight, approved April fifteenth, eighteen hundred and ninety-eight, entitled "An act authorizing a War Loan and providing for the disbursements of the proceeds therefrom and for a War Loan Sinking Fund for the purpose of liquidating the loan."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section nine of act one of the public acts of eighteen hundred ninety-eight, approved April fifteen, eighteen hundred and ninety-eight, entitled "An act authorizing a war loan and providing for the disbursements of the proceeds therefrom and for a war loan sinking fund for the purpose of liquidating the loan," be and the same is hereby amended so as to read as follows:

Treasurer to
give notice of
redemption.

SEC. 9. Not less than three months before the maturity of the option of the State to redeem any or all of the bonds issued hereunder, the treasurer shall give notice by advertisement for one week in two daily papers and for four weeks in the weekly edition of the same paper published in the city of Detroit designating the time when, and the number of said bonds which will be redeemed and the interest on such bonds as are described in such advertisement shall cease from the date specified for the redemption of such bonds: *Provided*, That should the condition of the war loan sinking fund at the date aforesaid be such as to permit of the redemption of only a portion of the loan, the bonds to be redeemed shall be determined by the State Treasurer in the following manner, viz: The Treasurer shall cause numbers corresponding with the numbers of all the bonds issued under this act to be placed in a box to be provided for that purpose and shall, in the presence of the Governor and Auditor General, proceed to draw therefrom numbers of bonds equal in amount as nearly as may be to the money in the State Treasury applicable to the redemption of said bonds. The numbers thus determined shall be the ones used in the advertisement herein provided: *Provided*, That the bonds drawing the higher rate of interest shall be redeemed before any bonds drawing a lower rate of interest.

Proviso as to
redeeming only
a portion.

Further
proviso.

Approved June 23, 1899.

[No. 262.]

AN ACT to amend sections twenty-four, forty-one, fifty-nine, sixty-one, sixty-two, sixty-seven, seventy, seventy-three, seventy-four, seventy-eight, eighty-four, eighty-nine, ninety-eight, and one hundred and two of act number two hundred and six, session laws of eighteen hundred ninety-three, being "An act to provide for the assessment of property and the Levy and Collection of Taxes thereon, and for the Collection of Taxes heretofore and hereafter Levied; making such Taxes a Lien on the Lands taxed, establishing and continuing such Lien, providing for the Sale and Conveyance of Lands delinquent for Taxes, and for the inspection and disposition of Lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the Public Acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being sections three thousand eight hundred forty-seven, three thousand eight hundred sixty-four, three thousand eight hundred eighty-two, three thousand eight hundred eighty-four, three thousand eight hundred eighty-five, three thousand eight hundred ninety, three thousand eight hundred ninety-three, three thousand eight hundred ninety-six, three thousand eight hundred ninety-seven, three thousand nine hundred one, three thousand nine hundred seven, three thousand nine hundred twelve, three thousand nine hundred twenty-one and three thousand nine hundred twenty-five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections twenty-four, forty-one, fifty-nine, sixty-one, sixty-two, sixty-seven, seventy, seventy-three, seventy-four, seventy-eight, eighty-four, eighty-nine, ninety-eight, and one hundred and two, of act number two hundred and six, session laws of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being sections three thousand eight hundred forty-seven, three thousand eight hundred sixty-four, three thousand eight hundred eighty-two, three thousand eight hundred eighty-four, three thousand eight hundred eighty-five, three thousand eight hundred ninety, three thousand eight hundred ninety-three, three thousand eight hundred ninety-six, three thousand eight hundred ninety-seven, three thousand nine hundred one, three thousand nine hundred seven, three thousand nine hundred twelve, three thousand nine hundred twenty-one and three thousand nine hundred twenty-five of the Compiled Laws of eighteen hundred ninety-seven, Sections amended.

thousand eight hundred ninety-three, three thousand eight hundred ninety-six, three thousand eight hundred ninety-seven, three thousand nine hundred one, three thousand nine hundred seven, three thousand nine hundred twelve, three thousand nine hundred twenty-one and three thousand nine hundred twenty-five of the compiled laws of eighteen hundred ninety-seven, be and the same are amended so as to read as follows:

Assessment
roll.

SEC. 24. On or before the third Monday of May in each year, the supervisor or assessor shall make and complete an assessment roll, upon which he shall set down the name of every person liable to be taxed in his township or assessment district, with a full description of all the real property therein liable to be taxed. If the name of the owner or occupant of any such tract or parcel of real property is known, he shall enter the name of such owner or occupant, as in this act provided, opposite to the description thereof; in all other cases the real property described upon such roll shall be assessed as "owner unknown." All contiguous subdivisions of any section that are of equal value and are owned and occupied by one person, firm or corporation, and all unimproved lots in any block that are of equal value and are contiguous and owned and occupied by one person, firm or corporation shall be assessed as one parcel, unless demand in writing is made by the owner or occupant to have each subdivision of the section or each lot assessed separately; but failure to assess such contiguous parcels as entireties as herein provided shall not invalidate the assessment as made. Each description shall show as near as may be the number of acres contained in it, as determined by the supervisor. It shall not be necessary for the assessment roll to specify the quantity of land comprised in any town, city or village lot. The supervisor shall estimate, according to his best information and judgment, the true cash value of every parcel of real property and set the same down opposite such parcel. He shall also estimate the true cash value of all the personal property of each person, and set the same down opposite the name of such person. In determining the property to be assessed and in estimating such value, he shall not be bound to follow the statements of any person, but shall exercise his best judgment. Property assessed to one other than the owner shall be assessed separate from his property and shall show in what capacity it is assessed to him, whether as agent, guardian or otherwise. Two or more persons not being co-partners, owning personal property in common, may each be assessed severally for his portion thereof. Undivided interests in lands owned by tenants in common, or joint tenants not being co-partners, may be assessed to the owners thereof.

How made.

Property
assessed to
agents, etc.
Partnership
property.

Tenants in
common, etc.

Assessor to foot
roll.

SEC. 41. Before the supervisor or assessing officer shall deliver such roll to the township treasurer or city collector he shall carefully foot the several columns of valuation and taxes,

and make a detailed statement thereof, which he shall give the clerk of his township or city, and said clerk shall immediately charge the amount of taxes to the township treasurer or city collector. The clerk of each city and incorporated village shall report to the clerk of their respective counties all taxes levied in their respective cities or villages, and not included in the general tax levy, on or before the first day of October in each year. The county clerk shall, within thirty days after the close of the annual session of the board of supervisors in October in each year, forward to the Auditor General, to be filed in his office, a statement showing the aggregate valuation of all property as assessed in each assessing precinct within the county during the current year. He shall include in such statement a detail of all taxes to be raised in the county for such year; also the amount of taxes not included in the general tax levy, reported to him by the several city and village clerks as above provided.

Duties of clerk.

County clerk to file statement with Auditor General.

What to contain.

SEC. 59. Any person may pay the taxes or any one of the several taxes, on any parcel or description of land returned as aforesaid, or on any undivided share thereof, with interest computed thereon from the first day of March next after the same were assessed, at the rate of one per cent per month or fraction thereof, with four per cent as a collection fee, to the county treasurer of the county in which the lands are situated, at any time before they are sold: *Provided*, That on all descriptions of land on which any of the several taxes remain unpaid on the first day of October next preceding the time prescribed for the sale thereof, there shall be charged an additional one dollar for expenses and which shall thereafter be a lien on said land and when collected shall belong to the general fund of the State.

Partial payment.

Interest and charges.

Proviso.

SEC. 61. In sufficient time before the time fixed herein for the annual tax sale, the Auditor General shall prepare and file in the office of the county clerk in each county in which lands are to be sold under the provisions of this act, a petition addressed to the circuit court for said county in chancery, stating therein by apt reference to lists or schedules annexed thereto a description of all lands in such county upon which taxes have remained unpaid for more than one year after they were returned as delinquent, and the total amount of such taxes, with interest computed thereon to the first day of May following the filing of said petition, and a collection fee of four per cent extended separately against each parcel of land, and he shall include with and add to such total amount against each parcel, one dollar for expenses. Such petition shall pray a decree in favor of the State of Michigan against said land for the payment of the several amounts so specified therein, and in default thereof that such lands be sold. It shall be signed by the Auditor General and need not be otherwise verified, and shall be deemed equivalent to a bill in chancery to enforce the lien for such taxes, interest and charges, averring their

Petition for decree of sale.

Verification.

State tax lands not included.	validity, that they have not been paid, and praying for a sale to pay such lien. Lands heretofore or hereafter bid off in the name of the State and thus held, and on which taxes have been assessed subsequent to the tax for which such lands were sold and purchased by the State, shall be included in such petition for all such subsequent taxes which have remained unpaid for more than one year after they were returned as delinquent. The petition shall be in a substantial record book, with the lists of lands and taxes annexed following the same therein. Such record shall be ruled with appropriate columns, one containing a description of the lands, with columns for the total amount of taxes, interest and charges claimed due on each parcel of land opposite thereto; also with blank columns, one with heading: "Parts of descriptions paid before sale or withheld;" another, "By whom paid;" another, "Amount paid before sale;" another, "Amount decreed against lands;" another, "Special orders;" another, "Interest in each parcel sold;" another, "Name of purchaser;" another, "Address of purchaser;" another, "Number of certificate;" another, "Remarks." The Auditor General may add such other columns as he may find necessary. The word "petition" shall be construed to include the lists annexed thereto. Said record shall be called "Tax Record." Parts of descriptions of land upon which taxes are paid before sale, or which are withheld from sale, the amount paid on taxes before sale, the amount of taxes, interest and charges decreed against lands, special orders made by the court relating to any parcel of land or any tax, the interest in each parcel of land sold, the name of each purchaser and his address, and the number of certificate of sale shall be entered in said record under their appropriate headings, opposite to the description of lands affected thereby.
Form of petition.	
Tax record.	
"Petition," how construed.	
What record to contain.	
Duty of circuit judge and county clerk.	SEC. 62. It shall be the duty of the county clerk, on the filing of the said petition, to at once present the same to the circuit judge of the county in which said delinquent tax lands are situated, and it shall be the duty of said circuit judge to make an order in the form herein prescribed, which order, when so made and signed by the circuit judge, shall be countersigned by the county clerk as register in chancery, and recorded by him in the proper books of his office, and thereupon it shall be the duty of said county clerk to immediately make a true copy of said order, and transmit the same to the Auditor General. Said order shall be substantially in the following form:
Form of decree.	STATE OF MICHIGAN, } County of _____ } ss.

The circuit court for the county of _____ in chancery.

In the matter of the petition of _____, Auditor General of the State of Michigan, for and in behalf of said State, for the sale of certain lands for taxes assessed thereon: On reading and filing the petition of the Auditor General of

the State of Michigan, praying for a decree in favor of the State of Michigan, against each parcel of land therein described, for the amounts therein specified, claimed to be due for taxes, interest and charges on each such parcel of land, and that such lands be sold for the amounts so claimed by the State of Michigan. It is ordered that said petition will be brought on for hearing and decree at the _____ term of this court, to be held at _____, in the county of _____, State of Michigan, on the _____ day of _____ A. D. 18—, at the opening of the court on that day, and that all persons interested in such lands or any part thereof, desiring to contest the lien claimed thereon by the State of Michigan, for such taxes, interest and charges, or any part thereof, shall appear in said court, and file with the clerk thereof, acting as register in chancery, their objections thereto, on or before the first day of the term of this court above mentioned, and that in default thereof the same will be taken as confessed and a decree will be taken and entered as prayed for in said petition. And it is further ordered that in pursuance of said decree the lands described in said petition for which a decree of sale shall be made, will be sold for the several taxes, interest and charges thereon as determined by such decree, on the first Tuesday in May thereafter, beginning at ten o'clock a. m., on said day, or on the day or days subsequent thereto, as may be necessary to complete the sale of said lands and of each and every parcel thereof, at the office of the county treasurer, or at such convenient place as shall be selected by him at the county seat of the county of _____, State of Michigan; and that the sale then and there made will be a public sale, and each parcel described in the decree shall be separately exposed for sale for the total taxes, interest and charges, and the sale shall be made to the person paying the full amount charged against such parcel, and accepting a conveyance of the smallest undivided fee simple interest therein; or, if no person will pay the taxes and charges and take a conveyance of less than the entire thereof, then the whole parcel shall be offered and sold. If any parcel of land cannot be sold for taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be reoffered, and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same in the name of the State.

Witness the Hon. _____, circuit judge, and the seal of said (circuit) court of _____ county, this _____ day of _____ A. D. 18—

Circuit Judge.

Countersigned,

Register.

Record of
decree.

SEC. 67. Such final decree shall be entered in the chancery record for recording decrees of such court, have the usual caption for decrees, and shall be substantially in the following form:

Form.

"STATE OF MICHIGAN,
The Circuit Court for the } In Chancery.
County of _____

At a session of said court held at the court house in the _____ of _____ on the _____ day of _____ A. D. 18—

Present: Hon. _____ Circuit Judge.

In the matter of the petition of _____, Auditor General of the State of Michigan, for and in behalf of said State, for the sale of certain lands for taxes assessed thereon:

The said petition and the matters therein stated, and the objections filed to certain taxes therein claimed (if any such objections are filed) came on to be heard, and proof of the due publication of the order of hearing, and of said petition having been made and filed, and after hearing all parties interested therein: It is ordered, adjudged and decreed that the amount of taxes, interest, collection fee, and charges set down in the column headed 'Amount decreed against lands,' in the Tax Record of which said petition forms a part, are valid, and decree is made in favor of the State of Michigan therefor against each parcel of said land for the amount set down in said column opposite to such parcel. It is further ordered, adjudged and decreed that said several parcels of land, or such interest therein as may be necessary to satisfy the amount herein decreed against the same, shall be severally sold as the law directs, on the _____ day of May, A. D. 18— beginning at ten o'clock a. m. on said day, or on the day or days subsequent thereto as may be necessary to complete the sale of said lands and of each and every parcel thereof, at the office of the county treasurer, or at such convenient place as shall be selected by him at the county seat of the county of _____ State of Michigan. It is further adjudged and decreed that the several special orders made by this court, and entered on said Tax Record, are made a part hereof, with the same effect as if entered herein.

Circuit Judge

(Countersigned)

Register in Chancery."

Execution for
costs.

Decree, how
signed.

If costs are adjudged against any person contesting a tax, the decree therefor shall be in proper form and execution awarded. The decree shall be signed by the judge and countersigned by the clerk. Immediately after the entry of such

decree, the county clerk shall make a certified copy thereof, and annex the same to the tax record. He shall thereupon deliver such tax record to the county treasurer, in whose office the same shall remain, except as needed in the office of the county clerk. If from any cause the hearing on said petition is not had on the day fixed in the notice therefor, the same shall stand continued from day to day during the term without the entry of any order of continuance, until disposed of, and if it shall for any reason be found impracticable to hear and determine the objections to all of the taxes specified in such petition within the time herein fixed for that purpose, then and in that case the court shall, within the time herein named, make a final decree as to all taxes to which no objections have been filed, and also those to which objections have been filed, which the court has then heard and passed upon. Such decrees shall be signed and recorded as herein before provided. The court shall proceed with the consideration of the remaining taxes embraced in such petition, and objections thereto, and as soon as practicable dispose of the same by one or more decrees and in such form as the court may determine, which shall be entered in the chancery record of decrees of such court, and the same shall describe the lands and specify the total amount of taxes, interest and charges on each parcel thereof. The county clerk shall immediately thereafter deliver to the county treasurer a certified copy of such decree, to be kept and used as hereinbefore provided. Such copy of decree shall be annexed to the Tax Record and shall thereby become a part thereof. If from any cause no decree shall be made on such petition as to the taxes therein named, or any part thereof, the Auditor General shall, as soon as practicable, file a new petition for decree and sale, and proceedings thereon shall be the same and a decree and sale made as herein provided.

Copy of decree annexed to record. Record, where kept.

Continuance of hearing.

Supplementary decree.

New petition in certain causes.

In case a decree is given in favor of the validity of any disputed tax, and the person contesting its validity desires to appeal to the supreme court, he shall be allowed to do so on paying the amount of the decree to the county treasurer, within ten days after the date of such decree, who shall retain the same until the decision of the supreme court, and pay the same to the party interested, if such tax is held invalid; if held valid, then such money shall be credited to the proper fund. By such payment the land in question shall be discharged from the lien of the tax. In case the decision is against the validity of any tax, either the county treasurer or the Auditor General shall have a right to direct an appeal therefrom to the supreme court on behalf of the State, but there shall be no sale for the tax held invalid, until such decision has been reversed or modified by the supreme court.

Appeal of contestant.

Appeal of Auditor General or county treasurer.

The proceedings where the validity of any tax is in dispute shall, where no other provision is made herein, follow the ordinary chancery practice, and the court may allow amendments

Chancery practice.

Notice and bond on appeal.	as in ordinary cases. Notice shall be given of all appeals to the supreme court, and such appeal shall be claimed, entered and bond for costs given, within twenty days after the making and entering of the decree. When the appeal is taken in behalf of the State, no bond shall be required. The judge shall, at the request of either party and on due notice, settle in proper form a case containing so much of the record and proceedings as may be necessary to the due understanding thereof by the supreme court, and if appeal shall be taken, such case shall be transmitted to such court. An appeal as to the tax on any parcel shall not delay or affect the proceedings for the sale of any land on which there has been no appeal.
Record of proceedings.	
Sale of delinquent lands.	SEC. 70. On the first Tuesday of May, beginning at ten o'clock a. m., the county treasurer shall commence the sale of the lands mentioned in the decree upon which the amounts charged shall not have been paid, and shall continue the same from day to day, Sundays and other legal holidays excepted, until so much of each parcel shall be sold as shall be sufficient to pay such amounts. Each parcel described in the decree shall be separately exposed to sale for the total taxes, interest and charges, and the sale shall be made to the person paying the full amount charged against such parcel, and accepting a conveyance of the smallest undivided fee simple interest therein. No greater interest in any parcel shall be sold than is sufficient to pay the amount of the tax on which the same is sold. If no person will pay the several taxes and charges and take a conveyance of less than the entire thereof, then the whole parcel shall be offered and sold. The sale shall be at the county seat, at the office of or at such convenient place as shall be selected by the county treasurer, and shall be subject to the taxes assessed subsequent to taxes included in the decree and for the year for which the sale is made. The county treasurer may, in his discretion, require immediate payment of any person to whom any parcel of such land may be struck off, and in all cases where payment is not made in twenty-four hours after sale, he shall declare the bid canceled and sell the land again; and any person to whom any parcel of land shall be so struck off neglecting for twenty-four hours after the close of such sale to pay to the county treasurer the amount of such bid, shall forfeit to the State five times the amount of such bid, and costs of suit therefor, which amount may be recovered in the name of the people of the State of Michigan in an action of debt, in any court of competent jurisdiction, and it shall be the duty of the county treasurer and prosecuting attorney of the county to prosecute for all such delinquencies and penalties without unnecessary delay. Any subsequent bid of such person made at the sale may be disregarded by the treasurer. If any parcel of land cannot be sold for taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding
Each parcel to be separately offered.	
Conditions.	
Sale at county seat.	
Immediate payment required.	
Penalty for non-payment.	
Re-offer of unsold parcels.	

day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same in the name of the State, for the State, county and township, in proportion to the taxes, interest and charges due each. And in such case the taxes assessed on the lands so bid off to the State, and the interest and charges thereon, shall remain a lien upon said lands, and any person or persons may thereafter purchase such lands of the State, as State tax lands or otherwise, as provided in this act. The county treasurer shall enter in the proper columns of the Tax Record the interest in lands sold, the name and postoffice address of each purchaser opposite each parcel of land sold, and the word "State" opposite each parcel bid off in the name of the State. Certificates shall be given to each purchaser of the lands and interests bid off by him, showing the year's tax for which he has purchased, and also the amount thereof, and of all charges paid by him at the time of such purchase, stating that he will be entitled to a deed after the period of redemption provided for in section seventy-four has expired, and that if the sale is not confirmed the money will be returned. As soon as possible after the conclusion of any sale, and within twenty days after the day named in the notice for the commencement thereof, the county treasurer shall make and file with the clerk of the court a report of such sale, therein referring to the Tax Record for the particulars thereof. All sales shall stand confirmed, subject to the right of redemption provided for in section seventy-four, unless objections thereto are filed within eight days after the time limited for filing such report, without the entry of an order or further notice. The practice with reference to setting aside such sale shall be the same, so far as applicable, as in a sale in equity on the foreclosure of mortgages: *Provided*, No sale shall be set aside for inadequacy of price, except upon payment of the amount bid upon such sale, with interest and costs: *Provided further*, That no sale shall be set aside after confirmation, except in cases where the taxes were paid, or the property was exempt from taxation. In such cases the owner of such lands may move the court at any time within one year after he shall have notice of such sale to set the same aside, and the court may so order upon such terms as may be just. As soon as practicable after sales are confirmed, the county treasurer shall make full report of the same to the Auditor General, in such form as the Auditor General shall prescribe, giving a description of the property sold, the amounts for which the same was sold, and the names and address of the purchasers, and thereupon the Auditor General shall, after the period of redemption provided in section seventy-four has expired, execute deeds to the purchasers in such form as shall be determined by him. All lands bid off in the name of the State shall continue liable to be taxed in the same manner as if they were not the property of the State,

When bid off to State.

Taxes and charges continue a lien.

Entry of sale, etc., in tax record.

Certificates of sale.

Report of sale.

Confirmation.

Sales set aside.

Proviso.

Further proviso.

County treasurer to report sales.

Auditor General to issue deeds.

	except as hereinafter provided. If from any cause the lands, or any parcel thereof decreed for sale by the Auditor General, shall not be sold as advertised, it shall be the duty of the Auditor General to cause sale to be made at such other time as he may fix for that purpose, of which notice shall be published at least four weeks prior to such day, and such notice shall contain a description of the lands and the amount claimed thereon, as hereinbefore provided in the first instance. The sale and all proceedings thereon shall be the same as if made on the first day fixed therefor: <i>Provided</i> . That if any parcel sold under the provisions of this section shall also be offered at the same sale as State tax lands, the purchaser must also at the same time become the purchaser from the State tax land list, and pay the taxes, interest and charges remaining unpaid thereon, for all years for which such land is held as State tax land. All sales made in contravention of this requirement shall be void. The several county treasurers shall receive on such sale only such funds as shall be receivable at the State Treasury, and all moneys received at any tax sales that belong to the State shall be paid into the State Treasury, and the expenses of advertising and sale shall be paid therefrom on the warrant of the Auditor General, and the remainder shall be placed to the credit of the general fund.
Re-advertised sale.	
Proviso.	
Void sales.	
Money received.	
Proceeds paid to State Treasurer.	
Payment of expenses	
No annulment after five years' possession.	SEC. 73. No sale of any lands or deed made by the Auditor General under the provisions of this act shall be set aside or annulled by any court of this State after the purchaser, his heirs or assigns have been in actual and undisputed possession of such lands so sold or conveyed for a period of five years from the date of such purchase or deed. Whenever any sale made under this act is set aside by any court in a less time than five years, the court shall determine and decree the value of improvements made by the purchaser, if he has been in possession, and give judgment therefor, and issue execution to collect the same of the claimant before putting him in possession. If a sale made under this act is set aside by any court or is canceled by the Auditor General as provided in this act, the Auditor General shall refund to the purchaser the amount paid at the time of the sale, with interest thereon at the rate of six per cent per annum from the time of the purchase to the time when said sale was set aside or canceled, out of the general fund of the State. In such case the Auditor General shall charge back to the county all taxes and the interest and charges thereon for all years for which it has been held that the taxes were invalid or the description erroneous, but for all years for which no invalidity has been found he shall proceed to enforce the collection of the taxes for all years refunded as herein provided, as in the case of taxes for which sale has not been made.
Purchaser may recover for improvement.	
Refunding on canceled sales.	
When taxes charged back to county.	
Redemption.	SEC. 74. Any person owning any of the lands sold as aforesaid, or any interest therein, may, at any time before the first

Tuesday in May in the year following such sale, redeem any parcel of such lands, or any part or interest in such lands, by showing to the satisfaction of the county treasurer or Auditor General that he owns only that part or interest in the same which he proposes to redeem, by paying to the county treasurer or Auditor General the amount of the sale of the parcel of land, or the portion thereof wished to be redeemed, and interest thereon from the date of such sale. Upon the payment of the redemption money and interest thereon at one per cent per month or fraction thereof to the county treasurer as aforesaid, he shall issue a redemption certificate in duplicate in such form as may be prescribed by the Auditor General, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of such certificate, the amount for which it was given and the name and address of the person paying the same, one of which certificates shall be delivered to person making such redemption payment, and the other shall be immediately transmitted to the Auditor General. The county treasurer shall also make a minute of such redemption certificate in the tax record book kept in his office, with the name of the payee, the date and the amount paid. Such certificate or the duplicate, and the entry thereof by the clerk or the county treasurer, shall be evidence of such redemption payment in the courts of this State. In case any such lands are redeemed at the office of the Auditor General, a notice containing all the above facts shall be sent to the county treasurer of the proper county, who shall cause the proper entries to be made on the Tax Record of his county and in the office of the county clerk.

Redemption certificate.

Notice of redemption.

Idem.

SEC. 78. All lands heretofore or that may be hereafter bid off to the State for taxes, which have not been redeemed or otherwise disposed of, shall be offered for sale by the county treasurer at the regular annual tax sale provided to be held under the provisions of this act. The Auditor General shall furnish to each county treasurer in the month of April prior to the month of May in the year in which such tax sales are held, as provided in this act, a statement of all lands in his county that may have been bid in for the State, then remaining unredeemed or not otherwise discharged. Such statement shall exhibit the aggregate amount of all sums due on each description of land, including interest thereon at the rate of twelve per cent per annum from the first day of the month in which the land was bid in to the State until the first day of the month in which said annual tax sale is to be held, as heretofore provided for by this act.

Sale of State tax lands.

Auditor General to make statement.

SEC. 84. Any person may purchase any State tax lands or any State bids, at any time except during the annual tax sale at the county treasurer's office, by paying therefor to the Auditor General the amount for which the same was bid off to the State, with interest on the same at the rate of one per cent per month or fraction thereof from the first day of the month

Purchase of State tax lands.

	in which such lands were bid off to the State, together with the other taxes which have been returned to the Auditor General and remain a lien on such lands at the time of the purchase so made, with the interest thereon at the rate provided in this act: <i>Provided</i> , That purchase may be made of any State bid within the period for redemption without payment of the taxes of subsequent years as a condition of purchase, in case the land is not held by the State as State tax land; but for all taxes remaining unpaid the land shall be liable to sale as provided by section eighty-five of this act. Upon making payment as above such purchaser shall be entitled to and receive a certificate, and a deed conveying all the right, title and interest of the State to such tax lands acquired or accrued by virtue of the original sale or sales to the State. All the provisions of law relative to deeds executed by the Auditor General on the surrender of certificates of sale made by the several county treasurers shall be applicable in making deeds for such purchases.
Proviso.	
Certificate and deed.	
Interest and collection fee.	SEC. 89. To all taxes unpaid on the first day of March next after their assessment there shall be added interest at the rate of one per cent per month or fraction thereof, and to all taxes returned to the county treasurer there shall also be added a collection fee of four per cent. Such interest and collection fee shall be collected with such taxes, and the interest and taxes to be paid to the State, county and township, in proportion to their several rights therein. The collection fee paid to the county treasurer shall belong to the general fund of the county, and that paid to the Auditor General shall belong to the general fund of the State. No other charges shall be added to any taxes voluntarily paid either to the township treasurer, the county treasurer or the State Treasurer, except the expense after it accrues under section fifty-nine of this act.
Accrued expense.	
Errors discovered before transfer.	SEC. 98. Whenever any lands returned to the office of the Auditor General, or to the county treasurer during the life of the tax law of eighteen hundred ninety-one, shall have been sold on account of non-payment of taxes thereon, if the Auditor General shall discover, before a conveyance of said land is executed and delivered:
If not subject to taxation.	First, That the land so sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; or
If taxes paid.	Second, That the taxes had been paid to the proper officer within the time limited by law for the payment or redemption thereof; or
Illegal sales.	Third, That such sale was in contravention of any of the provisions of this act; or
Certificate of "No taxes."	Fourth, That a certificate that no taxes were charged against said lands has been given by the proper officer, within the time limited by law for the payment or redemption thereof, the Auditor General shall withhold a conveyance of such lands, and shall, on demand, cause the money paid therefor to be re-
Conveyance withheld.	

funded to the purchaser, with interest thereon at six per cent per annum: *Provided*, That in the last mentioned case the person in whose behalf such certificate was given shall, at the time of presenting such certificate to the Auditor General, pay to the State Treasurer, on the statement of the Auditor General, all taxes and charges due to the State upon such land at the time such certificate was issued. If the discovery is not made until after the conveyance has been executed and delivered, a certificate of error may be issued in proper form for record; and the deed, if not recorded, shall be surrendered when the purchase money is refunded. If the deed has been recorded the money shall be refunded on a recorded release from the holder of the tax deed.

Proviso.

Certificate of error.

Refunding on release.

SEC. 102. The county treasurer shall, at the same time when he makes his return of delinquent lands to the Auditor General, make a similar return to the Commissioner of the State Land Office of all homestead and part paid State lands, the fee of which is in the State, the taxes upon which have not been collected, with a statement of the amount thereof. The Commissioner of the State Land Office shall provide suitable books, and enter in the same the description of every parcel of land so returned to his office, and the taxes thereon. The person holding such interest in any parcel of said lands shall, on or before the first day of July following such return, pay to the State Treasurer the taxes assessed thereon, with interest at the rate of one per cent per month or fraction thereof from the first day of March last preceding; and in default thereof the certificate of purchase of such parcel shall become void and such land shall be subject to sale and redemption in the same time and manner as lands forfeited for non-payment of interest; and no patent shall be made of such lands until all taxes thereon are paid.

Return of delinquent tax on State lands.

Forfeiture for non-payment.

Approved June 23, 1899.

[No. 263.]

AN ACT to provide a Tax to meet the several appropriations for which a tax is not otherwise provided, for the general expenses of the State Government, salaries of the State officers, expenses of the State Departments and Expenses of the Legislature for the years eighteen hundred ninety-nine and nineteen hundred.

The People of the State of Michigan enact:

SECTION 1. There shall be levied upon the aggregate of taxable real and personal property of the State in the year eighteen hundred ninety-nine, the sum of one million, sixteen thou-

Tax levied to meet appropriations.

sand, six hundred two dollars and seventy-two cents, and for the year nineteen hundred the sum of nine hundred eighty-two thousand two hundred sixty-two dollars, to be raised by tax to meet the several appropriations made by law wherein no tax is otherwise provided.

Money, how
paid.

SEC. 2. The several sums appropriated by the provisions of any act to meet which this act provides a tax, shall, so far as moneys are required to be paid to the boards or officers of any institution or commission, be paid out of the general fund in the State treasury to the proper board, or officer, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer of such board or commission shall render his accounts to the Auditor General thereunder.

Apportion-
ment, how
made.

SEC. 3. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties in this State as provided by law for the apportionment of State taxes.

Approved June 23, 1899.

[No. 264.]

AN ACT to amend section sixty-six of act number two hundred and six of the Public Acts of eighteen hundred ninety-three, entitled "An act to Provide for the Assessment of Property and the Levy and Collection of Taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the Public Acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," being section thirty-eight hundred eighty-nine of the compiled laws of eighteen hundred ninety-seven, as amended.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section sixty-six of act number two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and

conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being section thirty-eight hundred eighty-nine of the compiled laws of eighteen hundred ninety-seven, as amended, be and the same is hereby amended so as to read as follows:

SEC. 66. The Auditor General shall cause a copy of said order and a copy of said petition to be published at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof, in some newspaper published and circulating in the county where such petition is filed, to be selected by the Auditor General. Said order and petition shall both be published in the same newspaper, the order immediately preceding the petition: *Provided*, In such petition it shall be sufficient to print against each parcel the "amount of taxes," "interest," "charges," "total," due on each. The cost of such publication shall be paid by the State on the warrant of the Auditor General. The proprietor of such paper shall furnish the proper county treasurer and Auditor General each with two copies of each issue containing such publication, and it shall be the duty of such Auditor General and treasurer to carefully examine the notices published and see that they are correct. Any person familiar with the facts may make an affidavit as to the publication required. The Auditor General shall not pay for any such publication until satisfied that it has been made according to law. The publication of the order and petition aforesaid shall be equivalent to a personal service of notice on all persons who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon, and on the sale of the lands under the decree, and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of all taxes, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such petition, even though the amount involved therein be less than one hundred dollars. It shall be the duty of the prosecuting attorney to prosecute all such proceedings on the part of the State. If he shall refuse, neglect or be unable to do so, the court shall appoint some competent person to take charge of and prosecute the same, who shall be paid by the county. The board of supervisors may employ some competent person to prosecute such proceedings or assist therein. Proof of the publication of the order and petition herein required shall be filed in the office of the county clerk before any final order is made. Any person having any interest in the lands or any portion thereof included or referred to in said petition desiring to contest the validity of any tax shall file in writing his objections thereto

Publication of order and petition.

Proviso

Copies of publication.

Publication equivalent to personal notice.

Jurisdiction of circuit court.

Prosecuting attorney to prosecute.

Filing of proof of publication.

Contested taxes.

with the clerk of the county in which said lands are advertised for sale and serve a copy thereof on the prosecuting attorney of the county, on or before the day fixed in said notice for the hearing of such petition, and shall not be allowed to make any objections not therein specified. If on the day fixed in such notice for the hearing of such petition or on the day following that day, it shall be made to appear to the court that any person has been prevented from filing his objections to any tax without any fault on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days.

Petition to have precedence. The court shall give precedence to the hearing of such petition over all other business, shall examine, consider and determine the matters therein stated and objections made, in a summary manner without other pleadings, and make final decree thereon as the right of the case may be. The taxes specified in the petition shall be presumed to be legal and a decree be made therefor unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings, and shall decide all questions as to the admissibility of evidence, and the decisions so made shall be final and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, interest and charges. If any tax shall be found illegal, such part shall be set aside and the remaining tax shall be decreed valid. The total amount of taxes, interest and charges, as fixed by the court,

Evidence.

Court orders and decisions.

Separation and rejection of taxes.

Entry of decree. shall be entered by the register of the court apposite each parcel of land in the column of said record under the heading "Amount decreed against lands." If the court shall make any order setting aside the taxes on any parcel of land, or any part thereof, or any special order relating to any particular parcel of land, or taxes thereon, a brief entry of such order shall be made upon said record opposite such land or tax, which shall be signed by the judge of the court, either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of a final decree. At least ten days prior to the time fixed for the sale of such lands, the court shall make a final decree in favor of the State of Michigan for such taxes, interest and charges as shall be valid, and determine the total amount thereof chargeable against each parcel of land, and shall order and decree that such several parcels of land, or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such decree shall be considered as a several decree in favor of the State of Michigan

Judge shall sign orders.

Final decree.

against each parcel of land for each tax included therein. The court may decree such costs against a person contesting any tax as may be equitable, if the tax, or any part thereof which remains unpaid, be adjudged valid. Costs may be decreed...

Approved June 23, 1899.

[No. 265.]

AN ACT to amend sections one, twelve, fourteen, eighteen and fifty-two of act number two hundred and five of the Public Acts of eighteen hundred and eighty-seven, entitled "An act to revise the laws authorizing the business of Banking, and to establish a Banking Department for the Supervision of such business," the same being sections three thousand two hundred eight a, three thousand two hundred eight b1, three thousand two hundred eight b3, three thousand two hundred eight b7 and three thousand two hundred eight f1, of Howell's Annotated Statutes volume three, as amended by act number ten of the public acts of eighteen hundred and ninety-one.

The People of the State of Michigan enact:

SECTION 1. That sections one, twelve, fourteen, eighteen and fifty-two of act number two hundred and five of the public acts of eighteen hundred and eighty-seven, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being sections three thousand two hundred eight a, three thousand two hundred eight b1, three thousand two hundred eight b3, three thousand two hundred eight b7 and three thousand two hundred eight f1 of Howell's annotated statutes volume three, as amended by act number ten of the public acts of eighteen hundred ninety-one, be and the same are hereby amended so as to read as follows: Sections amended.

SECTION 1. That any number of persons, not less than five, may associate to establish offices of discount and deposit to be known as commercial banks, and also to establish offices of loan and deposit to be known as savings banks, or to establish banks having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this act, but the aggregate amount of the capital stock of any such bank shall not be less than two hundred fifty thousand dollars, except that banks with a capital of not less than twenty thousand dollars may be organized in a city or village, the population of which does not exceed fifteen hundred inhabitants, and with a capital of not less than twenty-five thousand dollars in a city or village the population of which does not exceed five thousand inhabitants and Association for establishing banks, etc.
Capital stock.

Proviso.

Security re-
quired on loans.

Bank not to
hold capital
stock.

Affairs man-
aged by board
of directors,
election of, etc.

Quorum.

Proviso.

First and subse-
quent election
of directors.

Who entitled to
vote.

Proxy.

Who may be
directors, oath,
etc.

with a capital of not less than fifty thousand dollars, in a city or village the population of which does not exceed twenty thousand inhabitants and with a capital of not less than one hundred thousand dollars in cities not less than one hundred and ten thousand inhabitants, in cities over one hundred and ten thousand inhabitants a capital not less than two hundred and fifty thousand dollars: *Provided*, That banks having deposits exceeding five million dollars the capital shall be increased to a sum not less than four hundred thousand dollars. No bank shall take as security for any loan or discount a lien upon any part of its capital stock. The same security in kind and amount shall be required of stockholders and of persons not stockholders. No bank shall be the holder or purchaser of any portion of its capital stock unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased shall in no case be held by the bank for a longer time than six months, if the stock can be sold for what it cost, and it must be sold for the best price obtainable within one year, or canceled as hereinafter provided for the reduction of capital stock.

SEC. 12. The affairs of each bank shall be managed by a board of not less than five directors, who shall be elected by the stockholders and hold office for one year, and until their successors are elected and have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business: *Provided*, That when the number of directors shall exceed nine, they shall once in three months designate by resolution nine members, any five of whom shall constitute a quorum. In the first instance the directors shall be elected at a meeting held before the bank is authorized to commence business by the Commissioner, and afterwards at the annual meeting of stockholders to be held on the second Tuesday in January of each year; and if for any cause an election is not had at that meeting it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the by-laws adopted by such bank. At a meeting of stockholders for election of directors each share shall entitle the owner to one vote for each director, but no stockholder shall be entitled to vote who is indebted to the bank upon any obligation past due. A stockholder may vote at any meeting of the corporation by a proxy in writing signed by him, but no officer, clerk, teller or bookkeeper of such corporation shall act as proxy. Every director must own and hold in his own name not less than ten shares of the capital stock of such bank. He shall take and subscribe an oath that he will diligently and honestly perform his duties in such office, and will not knowingly violate, or permit to be violated, any provisions of this act; that he is the owner in good faith of stock of the bank, as required to qualify him for such office, standing in his name on the books of the bank, and that such stock is not pledged as security for any debt; such oath shall be transmitted to the Commissioner and filed in his office. Any

vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next election.

SEC. 14. The directors and officers of any bank who shall fraudulently and with intent to cheat and defraud any person, receive any deposit, knowing, or having good reason to believe, that such bank is insolvent, shall be deemed guilty of a felony, and punished, upon conviction thereof, by imprisonment in the State Prison or in the State House of Correction and Reformatory at Ionia, not to exceed five years; or by a fine not to exceed one thousand dollars or both such fine and imprisonment, at the discretion of the court.

Fraudulently receiving deposits, etc., a felony.

Penalty.

SEC. 18. Every officer, clerk, agent or employe of a bank who shall knowingly aid or assist in a violation of any of the provisions of this act, shall be deemed guilty of a felony, and upon conviction shall be punished as provided in section fourteen of this act.

Penalty for violation of act.

SEC. 52. The total liabilities to any bank of any person or of any company, corporation or firm for moneys advanced, including in the liabilities of the company or firm the liabilities of the several members thereof, except special partners, shall at no time exceed one-tenth part of the amount of the capital and surplus of such bank; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed: *Provided however*, That the foregoing limitations shall not apply to loans on real estate or other collateral securities authorized by this act. *Provided however*, That by a two-thirds vote of the directors the liabilities of any bank of any person or company or corporation or firm may be increased to a sum not exceeding one-fifth of the capital and surplus of the bank: *Provided further*, That before any bank, under the supervision of the laws of this State, shall loan any of its funds to its officers or its employes, any loans shall be first submitted to the directors of such bank for their approval. In addition to the investments authorized by statute State banks and trust companies may invest their deposits and the income derived therefrom: First, In the legally authorized bonds of the New York Central & Hudson River Railroad Company, of the Michigan Central Railroad Company, of the Lake Shore & Michigan Southern Railway Company, of the Illinois Central Railroad Company, of the Pennsylvania Railroad Company, of the Delaware Lackawanna & Western Railroad Company, of the Chicago, Burlington & Quincy Railroad Company, of the Chicago & Northwestern Railway Company and the Delaware & Hudson Canal Company: *Provided*, That all such bonds hereby authorized for investment shall be secured by a first mortgage of the whole or a part of the railroad and railroad property actually in the possession of and operated by such company, and provided that each railroad whose bonds are hereby authorized for in-

Liability of banks, etc.,

Proviso.

Further proviso.

Proviso as to loans to officers or employes.

How may invest funds.

Proviso.

Amount may
invest in rail-
road bonds.

Street and elec-
tric railway
corporations,
how considered.

Proviso as to
security on
bonds.

vestment shall have earned and paid regular dividends of not less than four per cent each fiscal year on all its issues of capital stock for the ten years next preceding such investment, and that such capital stock shall equal or exceed in amount one-third of the par value of all its bonded indebtedness. Not more than twenty per centum of the whole amount of deposits of any bank shall be loaned or invested in railroad bonds, and not more than five per centum of the deposits of any bank shall be invested in the bonds of any one railroad. Street and electric railway corporations shall not be considered railroad corporations within the meaning of this subdivision; Second, In the legally authorized bonds of any railroad company incorporated under the authority of the States of New York, Massachusetts, Ohio, Michigan, Illinois or Iowa, whose road is located wholly or in part in the same and has earned and paid regular dividends of not less than four per cent per annum on all its issues of capital stock for the ten years preceding such investment: *Provided*, Said bonds be secured by a first mortgage of the whole or a part of the railroad and railroad property of such company, and be guaranteed, both principal and interest, by one or more of the companies named in the first clause of this act.

Approved June 23, 1899.

[No. 266.]

AN ACT to amend the Title and section two of article one and sections seven, eight, nine, fifteen, seventeen, eighteen, twenty-six, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-seven and thirty-eight of article two of the act entitled "An act to revise the laws providing for the Incorporation of Railroad Companies, and to Regulate the Running and Management, and to fix the duties and Liabilities of all Railroad and other Corporations Owning or Operating any Railroad in this State," being act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, approved May first, one thousand eight hundred and seventy-three, and being sections six thousand two hundred twenty-four, six thousand two hundred thirty-two, six thousand two hundred thirty-four, six thousand two hundred forty, six thousand two hundred forty-two, six thousand two hundred forty-three, six thousand two hundred fifty-one, six thousand two hundred fifty-four, six thousand two hundred fifty-six, six thousand two hundred fifty-nine, six thousand two hundred sixty-two, six thousand two hundred sixty-three of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That the title of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, approved May third, eighteen hundred and seventy-three, entitled, "An Act to Revise the laws providing for the incorporation of railroad companies and to regulate the running and management and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," be amended so as to read as follows: "An Act to revise the laws providing for the incorporation of the railroad bridge and tunnel companies and to regulate the running and management and to fix the duties and liabilities of all railroad, bridge, tunnel and other corporation owning or operating any railroad, bridge or tunnel within this State."

Title amended.

SEC. 2. That section two of article one and sections seven, eight, nine, fifteen, seventeen, twenty-six, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-seven and thirty-eight of article two of the act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State; being act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, approved May first, eighteen hundred and seventy-three, and being sections six thousand two hundred twenty-four, six thousand two hundred thirty-two, six thousand two hundred thirty-four, six thousand two hundred forty, six thousand two hundred forty-two, six thousand two hundred forty-three, six thousand two hundred fifty-one, six thousand two hundred fifty-four, six thousand two hundred fifty-six, six thousand two hundred fifty-nine, six thousand two hundred sixty-two, six thousand two hundred sixty-three, of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows, to wit:

Sections amended.

ARTICLE I.

SEC. 2. In case of the foreclosure and sale of any railroad, bridge or tunnel, or part of any railroad, bridge or tunnel, under any trust deed, or mortgage given to secure the payment of bonds sold to aid in its construction and equipment, or for other cause authorized by law, it shall be competent and lawful for the parties who may become the purchasers, and such others as they may associate with themselves, to organize a corporation for the management of the same, and issue stock in the same in shares of one hundred dollars each, to represent the property in said railroad, bridge or tunnel;

Mortgage sale of railroad, bridge or tunnel.

Purchasers may organize a corporation.

Rights and powers thereof.

Organization formed under certificate of purchasers.

Certificate filed with Secretary of State.

Certified copy evidence of organization.

and such corporation, when organized, shall have the same rights, powers and privileges, as are or may be secured to the original company whose property may have been sold under and by virtue of such mortgage or trust deed. Such organization may be formed by virtue of a declaration or certificate of the purchasers at the sale under said mortgage or trust deed which shall set forth the description of the property sold, and the date of the deed under which it was sold, or of the decree of the proper court, if it shall have been sold by virtue of a decree of any court; and with such description of the parties to the deed or suit as may identify the one or the other, or both; the time of the sale, and name of the officer who sold the same; and also the purchasers and the amount paid, and the stockholders to whom stock is to be issued, and the amount of the capital stock, and the name of the new corporation, and such other statements as may be found requisite to make definite the corporation whose property may have been sold, and the property sold, as well as the extents, and rights, and property of the new company; which said certificate or declaration shall be signed by all of the said purchasers, and shall be addressed to the Secretary of State; and being filed and recorded in his office, the said corporation shall become complete, with all the powers and rights secured to railroad companies under this act, to all the provisions of which, and amendments thereto, it shall be subject, and a certified copy of the said certificate or declaration shall be prima facie evidence of the due organization of said company.

ARTICLE II.

Map of route to be filed in office of register of deeds.

When proposed route crosses another railroad.

SEC. 7. Every such company proceeding to construct a part of its road, bridge or tunnel into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the points selected for crossing any other railroad, which shall be certified by a majority of the directors and approved by a board consisting of the Commissioner of Railroads, Attorney General and Secretary of State, and filed in the office of the register of deeds of such county. If such route cross the road of any other railroad company said board shall give at least ten days' notice to the general manager or general superintendent of such other company when and where said board will consider the question of approving such map, and shall permit such other company, if it so desire, to be heard in opposition to such approval, and at the time of approving said map said board may determine the place where and the manner in which said crossing shall be made, whether at grade or otherwise, and if at grade, what safeguards shall be provided by the company de-

siring to make such crossing to protect against accidents thereat. The said board shall approve such map within thirty days from the time it is presented to it by said company, or within the said thirty days shall file in the office of the Commissioner of Railroads written reasons for the disapproval of said map, or any part thereof, and serve a copy of said reasons upon said company. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully completed its road thereon: *Provided*, That any such change shall be approved by said board and a new map showing the new route adopted shall be made, certified, approved and filed as aforesaid: *And provided further*, That two members of said board, of which the Commissioner of Railroads shall be one, shall constitute a quorum for the transaction of business: *And provided further*, That the Secretary of State and Attorney General, when serving as members of said board or board of consolidation, as provided for by this act, shall receive five dollars per day and expenses incurred while actually engaged in such service, to be paid for by the railroad companies interested therein.

When approved or disapproved.

Change of route.

Proviso.

Compensation of certain members of board.

SEC. 8. If at any time after the location and use of the track, bridge or tunnel, or any part thereof, of any company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for such directors from time to time to alter the line and cause a new map to be filed in the office of such register of deeds of the county in which such alteration is made, and when a new line is adopted, to take possession of the lands and property embraced in such new location that may be required for the construction and maintenance and operation of the road, bridge or tunnel on such new line and the convenient accommodations appertaining to the same, either by agreement with the owner or owners or by such proceedings as near as may be, as are authorized under the preceding provisions of this act, and use the same.

When and how line of railroad may be changed.

SEC. 9. Every such corporation shall possess the general powers and be subject to the liabilities and restrictions following; that is to say:

Powers and liabilities.

First, To cause such examinations and surveys of the proposed railroad or railroad bridge or tunnel to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes by its officers, agents and servants to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto: *Provided*, That it shall not be lawful for any such corporation by its officers, agents or servants to enter upon the land or water of any person or company to make any such examination or survey until such corporation shall have made, executed and delivered to the judge of probate of the county where such land or water lies, a bond to be approved by him, with two sufficient sureties running to the judge of probate

To make surveys.

Liabilities for damages. Proviso.

of said county in his official name for the use of any person interested, in the penal sum of five thousand dollars, conditioned upon the payment by such corporation of all damages sustained by any person or company on occasion of any such examination or survey. Upon the delivery of such bond to said judge of probate and its approval by him he shall file the same in his office, and when so filed it shall be deemed a public record, and may be proved in court by a certified copy thereof. Any person or company having a claim for damages arising under this section, may bring suit upon said bond in any court of said county having jurisdiction over the amount claimed in damages;

To receive and hold property.

Second, To receive, hold and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance and accommodation of such road or railroad bridge or tunnel, but the real estate thus received by voluntary grant shall be held and used for the purpose of such grant only;

To purchase, etc., land for constructing road, etc.

Third, To purchase, and by voluntary grants and donations receive, take and by its officers, engineers, surveyors and agents, enter upon, and take possession of, hold and use all such lands and real estate, franchises and other property, as may be necessary for the construction, maintenance and accommodation of its railroad or railroad bridge or railroad tunnels, stations, depots and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties, or ascertained as herein prescribed, be paid to the owners, or deposited as hereinbefore directed, unless the consent of such owner be given therefor;

To lay out and construct road, etc.

Fourth, To lay out its road, not exceeding one hundred feet in width, and to lay out its bridge or tunnel and its bridge or tunnel approaches not exceeding two hundred feet in width, and to construct the same, and, for the purpose of cuttings and embankments, and for procuring stone, gravel or other material or for the purpose of draining its road bed or tunnel, to take in the manner herein provided, such further lands adjacent to and in the vicinity of its road or tunnel, as may be necessary for the proper construction, operating and security of its road or tunnel;

To construct bridge across or tunnel under streams, etc.

Fifth, To construct its road or bridge over, upon or across, or its railroad tunnel under any stream of water, water-course, private road, street, lane, alley or highway, and across or under any plank road, railroad, or canal, which the route of its road or railroad bridge or railroad tunnel shall lie along, or intersect; but the corporation shall restore the stream, water-course, private road, street, alley, lane, highway, plank road, railroad or canal to its former state as near as may be but shall not materially obstruct the navigation of any stream, nor obstruct any public highway or street by cars or trains for more than five minutes at any one time, and the Commis-

sioner of Railroads shall have authority to cause the removal of switches that are so located with reference to public highways or streets that by reason of the constant switching or shunting of cars the use of the public highway or street is materially obstructed, impeded or delayed; and such corporation shall construct suitable road and street crossings for the passage of teams by fitting down planks between and on each side of the rails of such road, the top of which shall be at least one-half inch higher than the top of the rails of such road; and in case of the construction of such railway upon any public street, lane, alley or highway, the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highway of any township in which the same may be; but such railway shall not be constructed upon any public street, lane, alley, highway or private way until damages and compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, highway, or private way, and opposite where such railroad is to be constructed either by agreement between the railroad company and each owner or owners, or ascertain as herein prescribed for obtaining property or franchises for the purpose of its incorporation to be paid to the owner thereof, or deposited as hereinafter directed;

Construction upon streets, etc.

Compensation to adjacent owners.

Sixth, To cross, join and unite its railroads bridge or tunnel with any other railroad now or hereafter constructed under any law whatever at any point on its route, and upon the grounds of such other railroad now or hereafter constructed with the necessary turn-outs, sidings, and switches, and other accommodations and conveniences, in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon. And every company whose railroad shall be intersected by any other railroad shall unite with the owners of such other railroads in forming such intersections and connections and grant facilities for the same as hereinafter provided;

To unite with other railroads, etc.

Seventh, To take, transport, carry, and convey persons and property on their said road or bridge or through such tunnel by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor: *Provided*, That in transporting freight by the car, loaded by the shipper and unloaded by the consignee, no railroad company shall charge for transporting each of such cars more than eight dollars for any distance not exceeding ten miles, nor more than fifty cents per mile for the second ten miles, nor more than twenty-five cents per mile for the third ten miles; and for distances exceeding thirty miles, in no case shall the charge between any two points on the said railroad exceed the minimum charge on the entire line. This provision shall not apply to the Upper Peninsula, nor to any company operating less than fifteen miles of railroad;

To transport passengers, etc.

Proviso as to charges.

To erect depots,
etc.

Eighth, To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery for the accommodation and use of their passengers, freight and business, and to obtain and hold all the lands necessary therefor;

To regulate
time, manner
and compensa-
tion for
transporting
passengers, etc.

Ninth, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger and his or her ordinary baggage, not exceeding in weight one hundred and fifty pounds, shall not exceed the following prices, viz.: For a distance not exceed-

Three cents per
mile.

ing five miles, three cents per mile; for all other distances, for all companies the gross earnings of whose passenger trains, as reported to the commissioner of railroads for the year one thousand eight hundred and eighty-eight, equaled or

Two cents per
mile.

exceeded the sum of three thousand dollars for each mile of road operated by said company, two cents per mile, and for all companies the earnings of whose passenger trains reported as

Two and one-
half cents.

aforesaid, were over two thousand and less than three thousand dollars per mile of road operated by said company, two and a half cents per mile, and for all companies whose earnings reported as aforesaid were less than two thousand dol-

Proviso.

lars per mile of road operated by said company, three cents per mile: *Provided*, That in future whenever the earnings of any company doing business in this State, as reported to the commissioner of railroads at the close of any year, shall increase so as to equal or exceed the sum of two thousand or three thousand dollars per mile of road operated by said company, then in such case companies shall thereafter, upon the notification of the commissioner of railroads, be required to only receive as compensation for the transportation of any passenger and his or her ordinary baggage, not exceeding in weight one hundred and fifty pounds, a rate of two cents and a

Proviso as to
roads in upper
peninsula.

half, or two cents per mile as hereinbefore provided: *Provided*, That roads in the Upper Peninsula which report as above provided passenger earnings exceeding three thousand dollars per mile, shall not charge to exceed three cents per mile, and roads reporting less than three thousand dollars per mile shall be allowed to charge not to exceed four cents per mile: *Pro-*

Further
proviso as to
thousand mile
tickets.

vided further, That one thousand mile tickets shall be kept for sale at the principal ticket offices of all railroad companies in this State or carrying on business partly within and partly without the limits of this State, at a price not exceeding twenty dollars in the Lower Peninsula and twenty-five dollars in the Upper Peninsula. Such one thousand mile tickets may be made non-transferable, but whenever required by the purchaser they shall be issued in the names of the purchaser, his wife, and children, designating the name of each on such ticket, and in case such ticket is presented by any other than the person or persons named thereon, the conductor may take it up and collect fare, and thereupon such one thousand mile ticket shall be forfeited to the railroad com-

pany. Each one thousand mile ticket shall be valid for two years only after date of purchase, and in case it is not wholly used within the time, the company issuing the same shall redeem the unused portion thereof, if presented by the purchaser for redemption within thirty days after the expiration of such time, and shall on such redemption be entitled to charge three cents per mile for the portion thereof used.

Time tickets shall be valid.

Company to redeem unused portion.

SEC. 15. Whenever any lands are condemned to the public use, by any railroad, bridge or tunnel company, under the provisions of this act, such company shall pay to the owners and others interested in the lands condemned, in addition to the damages and compensation awarded by the commissioners or jury, a reasonable attorney fee, to be fixed and determined by the court when the report or verdict is confirmed, or as soon thereafter as may be, and the attorney fee, so allowed, together with witness fees and other costs and disbursements, to be taxed as in civil actions, shall be paid, tendered, or deposited with the damages or compensation as hereinafter provided, before such company shall have any right to enter upon or take possession of the lands condemned.

Attorney fee to be paid by company, etc.

SEC. 17. In case any railroad, bridge or tunnel company is unable to agree for the purchase of any real estate, property or franchises required for the purpose of its incorporation, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in this act; but there shall be no power, except for crossing, to take the track or right of way of any other railroad company except when any road-bed or part thereof has for five years remained, or shall hereafter for five years remain in an unfinished condition and without having the ties and iron placed and continued thereon up to the time measures are instituted to appropriate the same as hereinafter authorized, any other railroad corporation shall have the right to acquire title to the same and to the real estate and easements held by such company for use in connection therewith, in the manner prescribed for obtaining other property or franchises required for its use, and in such case proceedings may be instituted in a court of record of any county wherein a part of such road-bed sought to be acquired may be situate, and all of such road-bed and property aforesaid within this State, or only a part thereof at the election of the applicant may be included in one proceeding. Notice of the application shall be given the company or corporation owning or claiming an interest in the road-bed and property mentioned when created under the laws of this State by serving a copy of the petition and notice hereinafter mentioned personally upon its president, any vice-president, superintendent, secretary, treasurer, general manager, or general counsel, if either of them reside within the State, ten days or more prior to the presentation of the same to the court, but if they do not, then service may be made by publication as required by

Acquisition of real estate, etc., when price is disputed.

When other corporation may acquire unused road-bed.

How may be acquired.

Notice, how given.

Service of notice.

How property
taken may be
described.

Proceeding to
acquire title to
begin by
petition for
appointment of
commissioners.

Contents of
petition.

section eighteen of this act, except in such case a description of the property as in this section provided shall be sufficient, and if such company or corporation was not created under the laws of this State, it may be served by delivering such copy of the petition and notice to either of said officers personally at least thirty days previous to presenting such petition to the court, or by publication as required in said section eighteen, except it shall be sufficient to describe the property to be taken as provided in this section. It shall be sufficient in such petition to describe the property sought to be appropriated as the line is designated in the articles of association, or articles amendatory thereof, and by which it was established, and further designating it as the road-bed and property connected therewith of the company or corporation then owning or claiming it whose title is sought to be acquired.

SEC. 18. For the purpose of acquiring such title such company may present a petition to any court of record for such county, praying for the appointment of three commissioners. Said petition shall be in the name of the company, shall be signed by one of the directors, or the engineer or the attorney of said company on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property or franchises, or so much thereof as the company seeks to acquire under such petition in said county; and that said company is duly incorporated; that it has a railroad, railroad bridge or railroad tunnel constructed, specifying the points from and to which the same is in operation, or that it is the intention of said company, in good faith, to construct, finish and maintain a railroad, railroad bridge or railroad tunnel, from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed as required by this act to organize such company; that the company has surveyed the route of its proposed road in said county, or of its railroad bridge or tunnel as the case may be, and made a map and survey thereof by which said route is designated; and that it has located its said road, bridge or tunnel according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company in the register's office of said county; that the property described in the petition is required for the purpose of constructing, operating or repairing the railroad or its appurtenances, or the railroad bridge or tunnel or its appurtenances, as the case may be; and that the taking thereof is necessary for the public use, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, or have, or claim to own or have, estates or interests in said lands or property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them

are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances or otherwise, as will be sufficient to show who have or claim to have interests in said lands, real estate or property, and such other matters as the company may see fit to make. A copy of such petition, with a notice of the time and place, when and where the same will be presented to such court, must be served on all persons whose interest will be affected by the proceeding, at least ten days prior to the presentation of the same to the court, as follows, viz.:

Service of petition and notice of time of presenting to court.

First, If the person on whom service is to be made resides in this State, and is not an infant under the age of fourteen years, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, or agent, with some person of suitable age; and if he resides out of this State, but has such agent as aforesaid residing in this State, then such service may be made on such agent in the manner aforesaid, or upon him personally out of or within this State; or it may be by publishing a notice stating briefly the object of the application, and giving a description of the land, interest therein, or property to be taken, and in some paper published in the county in which the said lands or property are situated, if there be one, and if not, then in some weekly paper published in the city of Detroit once in each week for six successive weeks next previous to the presentation of the petition; and if the residence of such person or persons residing out of this State be known, a copy of such petition and notice shall be deposited in the postoffice at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, postage prepaid;

How made upon responsible residents of State.

Second, If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid, on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides;

Upon minors and idiots.

Third, if the person on whom such service is to be made be unknown, or his residence unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision of this section, and the court or judge shall appoint an attorney to appear for and protect the rights of any such person;

Upon persons whose names and residences are unknown.

Fourth, In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind, and has no guardian, the said court, or the judge of said court, shall appoint a special guardian or committee to appear for, and attend to, the interests of such infant, idiot or person of unsound mind, and all notices to be served in the progress of the proceeding may be served on such special guardian;

Upon minors, idiots, etc., not under guardianship.

In other cases. Fifth, In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act, may be made as the said court or judge may direct.

Proceedings when title sought is defective.

SEC. 26. At any time after an attempt to acquire title by any railroad, bridge or tunnel company, by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made, and at any stage [of] such new proceedings the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against any company, or any officer or workman of such company, on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such cause the party interested in such real estate or other property may conduct the proceedings to a conclusion if the company delays or omits to prosecute the same: *Provided*, Any railroad company which have heretofore entered upon, taken, occupied and used any lands within this State for the purpose of their road, shall have the same right to acquire title to, or right of way over, said land so taken by them, as if they had proceeded to acquire said title or right of way before having entered upon the same.

Proviso relative to acquiring title after occupying lands.

May consolidate.

SEC. 29. Any railroad company in this State, forming a continuous or connecting line with any other railroad company, may consolidate with such other company, either in or out of this State, or partly within or partly without this State, into a single corporation: *Provided*, That no such companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The directors of said two or more corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than five nor more than fifteen; the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations, as hereinafter provided; the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each of said two or more corporations into shares in

Proviso as to competing lines.

Directors may agree upon terms of consolidation.

What agreement shall contain.

such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such two or more corporations: *Provided however*, That any power, right, franchise, privilege or immunity possessed by either or any of the consolidating companies of a kind which would not be possessed by a company organizing originally under the provisions of this act as now existing or as hereafter amended, shall be utterly lost, annulled and abrogated; and such new corporation shall be subject to all the restrictions and perform all the duties imposed by this act as now existing or as hereafter amended as if it were a corporation originally organized thereunder. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations separately at a meeting thereof, to be called upon a notice by publication at least once in each week for four successive weeks in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which a newspaper shall be published; the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders by a vote of a majority in interest of the stockholders, in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement filed in pursuance of this act or of an act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, one thousand eight hundred and fifty-five, and the acts amendatory thereof, and the acts amending or revising the same, with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two or more companies, and of all the facts therein stated. *And provided*, That any railroad bridge company, or any railroad tunnel company, which may be organized under this act to bridge or tunnel the Detroit river, or the St. Clair river, or any of the waters in the jurisdiction of this State, shall have a right to consolidate the stock, property and assets of said company with the stock, property and assets of any connecting railroad company or of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State or country, to construct any such bridge or tunnel therewith, upon

Proviso.

Agreement to be submitted to stockholders.

Notice of meeting of stockholders for concurrence.

Time of first publication.

Contents of notice.

Certified copy to be evidence of consolidation, etc.

Proviso as to bridging or tunneling certain waters.

Proviso as to
obstruction of
navigation.

Privileges of
tunnel and
bridge
companies.

such terms, conditions and agreements as may by the said corporations be deemed just and equitable: *Provided*, That every such bridge or tunnel shall be so constructed as not to be a material obstruction to navigation.

SEC. 31. It shall be competent for all railroad bridge companies and railroad tunnel companies organized under this act, respectively, to construct bridges over or tunnels under the waters of this State, to extend the railroad track or tracks which they may lay upon any bridge or through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of way over or under or across any private property, in the same manner as herein provided for acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the right to cross and use such portion of any street as may be found necessary; and to raise money, shall have the same authority as is herein conferred upon railroad companies to issue and sell bonds, and secure their payment by deeds of trust; and for all such purposes the said railroad bridge companies and railroad tunnel companies shall have the same rights as railroad companies organized under this act.

Aid for same
from railroad
companies.

SEC. 32. Any such bridge or tunnel company shall have the right to negotiate with any railroad company which may connect with its bridge or tunnel for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties, which aid may be given by subscription to capital stock, or by guaranteeing bonds, or by both, or by lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable said companies to procure the requisite means.

Compensation
for use of.

SEC. 33. The said company shall have the right to charge such fair compensation for the use of its said road and bridge or tunnel by the railroad companies or horse railroad companies whose business shall pass along, over or through it, as shall be found by experience sufficient to enable them to pay: First, All the expense of keeping the works in repair and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as may furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.

Right of
companies
connecting
with, to use of
same.

SEC. 34. All railroad companies whose tracks may connect with such tunnels or bridges shall have the right to send their business through or over them, respectively, upon such terms as shall be just and fair, and the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor of or against the business of any connecting road.

SEC. 37. It shall be competent and lawful for the trustees, in any deed of trust or mortgage of and upon any railroad, railroad bridge or railroad tunnel, in case of the inability of said company or its default in the payment of the principal or interest money secured thereby, in pursuance of any power of sale contained therein, to offer the same for sale, according to the power, and in pursuance of its terms, and on such sale to execute a deed of the premises sold, which said deed, duly executed, shall convey the title to the purchaser or purchasers, and authorize them to enter into possession and enjoyment thereof, as fully as may be provided in said mortgage or deed of trust; and that it shall be competent and lawful for all railroad, railroad bridge and railroad tunnel companies organized under this act, for the purpose of securing their bonds, authorized to be issued in accordance with its provisions, to execute such mortgage or deed with such power contained therein for the sale of the property mortgaged or deeded as shall, in its judgment or the judgment of the board, be found expedient, and such power of sale in accordance therewith shall be lawful and valid.

Mortgage sales,
etc.

SEC. 38. All companies organized under this act shall have power, from time to time, to borrow such sums of money as may be necessary for completing, finishing, equipping or operating their road, bridge or tunnel, or any part thereof, or for paying any indebtedness necessarily incurred for completing, finishing, or operating their road, bridge or tunnel, or any part thereof; and to issue and dispose of their bonds or obligations for any amount necessarily borrowed for such purpose, for such sums and for such rate of interest, not exceeding ten per cent, as they may deem advisable, and to mortgage their corporate property and franchises and the income thereof, or any part thereof, to secure the payment of any debt contracted or to defray any expenditure by the company for the purpose aforesaid. And the directors of any such company may confer on any holder of any such bond or obligation the right to convert the same into the stock of said company at any time not exceeding ten years from the date of said bonds, on such terms and under such regulations as the company may see fit to adopt; and said company may sell their bonds or obligations, either within or without this State, at such rates and prices as they may deem proper. Any such company may at any time, with the concurrence of the stockholders representing a majority of the stock, a majority in value of stockholders, at any annual meeting, or at any special meeting of the stockholders called for that purpose, increase its capital stock, or provide for the issue of preferred or secured stock for the purpose aforesaid, upon such terms and conditions as to them may seem meet. In case the capital stock of any such company or corporation organized under this act shall be found insufficient for constructing or operating its road, bridge or tunnel, or for building a double track, repairs or other im-

Companies may
borrow money,
issue bonds,
mortgage
property, etc.

Bonds
convertible into
stock within
ten years.

Increase of
capital stock.

Two-thirds vote
of stock
necessary to
increase.

Notice of
meeting of
stockholders
therefor.

provements to facilitate the transportation of persons or property, such corporation may, with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to any amount required for the purpose aforesaid: such increase shall be by a vote in person or by proxy of two-thirds in amount of all the stock of such corporation at a meeting of the stockholders called by the directors of the corporation for such purpose, by giving notice in writing to each stockholder, to be served personally, or by depositing the same in a post office, directed to the post office address of each of said stockholders severally, with necessary postage for the transmittal of the same prepaid, at least sixty days prior to the day appointed for such meeting, and by advertising the same in some newspaper published in each county through or into which the said road, bridge or tunnel shall run or be intended to run, or if a newspaper shall not be published therein, then such meeting shall be advertised in two newspapers published in the city of Detroit, at least sixty days prior to the day appointed for such meeting; and such notice shall state the time and place of the meeting, the object thereof, and the amount to which it is proposed to increase such capital stock, and at such meeting the corporate stock of such corporation may be so increased by a vote of two-thirds in amount of the corporate stock of such corporation, to an amount not exceeding that mentioned in the notice so given.

Approved June 23, 1899.

[No. 267.]

AN ACT to amend section thirteen of act number one hundred five of the Session Laws of the year one thousand eight hundred forty-seven, being section seven thousand five hundred forty-seven of Howell's Annotated Statutes, and section ten thousand two hundred sixteen of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section thirteen of act number one hundred five of the public acts of the year one thousand eight hundred forty-seven, be and the same is hereby amended so that said section will read as follows:

Chapter
amended.

SEC. 13. Chapter one hundred three shall be amended by striking out in the first line of section two the words "joined in such actions."

Approved June 23, 1899.

[No. 268.]

AN ACT to amend sections six, seven, nine, eleven and twelve of act number two hundred and eleven of the Session Laws of eighteen hundred ninety-three, approved June two, eighteen hundred ninety-three, entitled "An act to provide for the Appointment of a Dairy and Food Commissioner and to Define his Powers and Duties and fix his Compensation," as amended by act number two hundred and forty-five of the session laws of eighteen hundred ninety-five, approved June one, eighteen hundred ninety-five, as further amended by act number one hundred and fifty-four of the session laws of eighteen hundred ninety-seven, approved May twenty-four, eighteen hundred ninety-seven, being sections four thousand nine hundred and seventy-eight, four thousand nine hundred and seventy-nine, four thousand nine hundred and eighty-one, four thousand nine hundred and eighty-three and four thousand nine hundred and eighty-four of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections six, seven, nine, eleven and twelve of act two hundred and eleven of the session laws of eighteen hundred ninety-three, as approved June second, eighteen hundred ninety-three, entitled "An act to provide for the appointment of a Dairy and Food Commissioner and to define his powers and duties and fix his compensation," as amended by act two hundred and forty-five of the session laws of eighteen hundred ninety-five, approved June first, eighteen hundred ninety-five, and as further amended by act one hundred and fifty-four of the session laws of eighteen hundred ninety-seven, as approved May twenty-fourth, eighteen hundred ninety-seven, being sections four thousand nine hundred and seventy-eight, four thousand nine hundred and seventy-nine, four thousand nine hundred and eighty-one, four thousand nine hundred and eighty-three and four thousand nine hundred and eighty-four of the Compiled Laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Sections
amended.

SEC. 6. It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the quality of the dairy and food and drink products, and the several articles which are foods or the necessary constituents of foods, which are manufactured or sold or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and direct the State Analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all or any of such food and drink products or dairy products, as is adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty

Duty of Dairy
and Food
Commissioner.

May make complaint and institute proceedings against person violating law.	of the commissioner to make complaint against the manufacturer or vender thereof, in the proper county, and furnish the evidence thereon and thereof to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose, may make complaint and cause proceedings to be commenced against any person for the violation of any of the laws relative to adulterated, impure or unwholesome food, and in such case he shall not be obliged to furnish security for costs; and shall
Powers of.	have power in the performance of their duties to enter into any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product, in the presence of at least one witness, and he shall in the presence of such witness mark or seal such sample and shall tender at the time of taking to the manufacturer or vender of such product, or to the person having the custody of the same, the value thereof, and a statement in writing of the reason for taking such sample.
Prosecuting attorney to prosecute suits.	SEC. 7. It shall be the duty of each prosecuting attorney when called upon, to render any legal assistance in his power, under the provisions of this act, or any subsequent act relative to the adulteration of food for the sale of impure or unwholesome food or food products.
Annual report to Governor.	SEC. 9. The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year, which shall show, among other things, the number of manufacturing and other places inspected and by whom, the number of specimens of food articles analyzed, and the State Analyst's report upon each one; the number of complaints entered against persons for violation of the laws relative to the adulteration of food, the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print and distribute to all the papers of the State, and to such persons as may be interested or may apply therefor a monthly bulletin, in suitable paper covers, containing results of inspections, the results of analyses made by the State Analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the
To print and distribute monthly bulletin.	

public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each such monthly bulletin shall be printed. Limit of bulletins printed.

SEC. 11. There shall be appropriated each year the sum of eighteen thousand dollars, out of which shall be paid in such manner as other similar salaries, expenses and accounts are allowed and paid, all the salaries and expenses provided for in this act: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery. Yearly appropriation.

SEC. 12. The Auditor General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of eighteen thousand dollars, to be levied, assessed and collected as in case of other taxes for general purposes, upon all the property of the State, and when the tax is so levied and collected, the same shall be paid into and become a part of the general fund to reimburse such fund for the amounts appropriated to carry into effect the provisions of this act. Proviso.
To be incorporated in State tax.

Approved June 23, 1899.

[No. 269.]

AN ACT to repeal section seven thousand six hundred sixty-nine a of Howell's Annotated Statutes of the State of Michigan, being a portion of section thirteen of act number one hundred five of the Session Laws of the year one thousand eight hundred forty-seven and also the amendment added to section ten thousand three hundred and five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seven thousand six hundred sixty-nine a of Howell's Annotated Statutes of the State of Michigan, being a portion of section thirteen of act number one hundred five of the public acts of the year one thousand eight hundred forty-seven, be and the same is hereby repealed. Section repealed.

Approved June 23, 1899.

[No. 270.]

AN ACT making Appropriations for the State House of Correction and Reformatory, Ionia, Michigan, for the Purchase of Land, general Repairs, and other Improvements, for the fiscal year ending June thirty, nineteen hundred, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation. SECTION 1. That there be and hereby is appropriated for the State House of Correction and Reformatory, Ionia, Michigan, the sum of twelve thousand three hundred dollars for the fiscal year ending June thirty, nineteen hundred, by amounts and purposes as follows: Three thousand dollars for general repairs; three hundred dollars for furnishing administration building and inmates' kitchen; three hundred dollars for stationery and printing; nine hundred dollars for tiling rotunda floor; two thousand dollars for new boiler and setting same, and three hundred dollars for the construction and completion of a hog house, fifty-five hundred dollars for the purchase of land.

How paid. SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State Treasury to the warden of the State House of Correction and Reformatory, Ionia, Michigan, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated in State tax. SEC. 3. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-nine the sum of twelve thousand three hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

Approved June 23, 1899.

[No. 271.]

AN ACT to amend Sections one and three of Act number one hundred and fifty-seven of the Public Acts of eighteen hundred and ninety-one, entitled "An act for the Relief of the Supreme Court by Authorizing the Justices thereof to employ Clerical Help, and Appropriating Money to pay for the same," being sections two hundred thirty-three and two hundred thirty-five of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections one and three of act number one hundred and fifty seven of the public acts of eighteen hundred and ninety-one, entitled "An act for the relief of the supreme court by authorizing the justices thereof to employ clerical help, and appropriating money to pay for the same," the same being sections two hundred thirty-three and two hundred thirty-five of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows: Sections amended.

SECTION 1. That each of the justices of the supreme court be and is hereby authorized to employ necessary clerical help to assist him in the performance of such clerical work in connection with his office as he may deem expedient, not exceeding an expense aggregating one thousand dollars for each justice in any one year. May employ clerical help.

SEC. 3. There shall be and the same is hereby appropriated out of the moneys in the treasury to the credit of the general fund, and not otherwise appropriated, for the year one thousand eight hundred and ninety-nine, and each year thereafter, the sum of five thousand dollars for the purpose of paying the clerical help provided for in section one of this act: *Provided*, Appropriation. That any money hereby appropriated for any year and not used shall at the end of such year be transferred by the treasurer to the credit of the general fund. Proviso.

Approved June 23, 1899.

[No. 272.]

AN ACT to amend section one of chapter two; section one of chapter three; to add a new section to chapter three, to be known as section twenty-two; to amend sections one and three of chapter four; sections one, two, three, five, six and ten, and to repeal section four of chapter five; to amend sections one, two and thirteen of chapter six; section eight of chapter seven; to add a new section to chapter eight, to be known as section eight; to amend sections one, two, three and six of chapter nine; to strike out section twelve and insert in place thereof a new section, and to add thereto a new section, to be known as section thirteen, of act number two hundred fifty-four, public acts of eighteen hundred ninety-seven, entitled "An act to provide for the Construction and Maintenance of Drains, and the Assessment and Collection of Taxes therefor, and to repeal all other laws relative thereto," approved June two, eighteen hundred ninety-seven.

*The People of the State of Michigan enact:***Act amended.**

SECTION 1. That there be added to chapter three a new section, to be known as section twenty-two; that section four of chapter five be repealed; that a new section be added to chapter eight, to be known as section eight; that section twelve of chapter nine be stricken out and to insert in place thereof a new section, and to add thereto a new section, to be known as section thirteen; and to amend section one of chapter two; section one of chapter three; sections one and three of chapter four; sections one, two, three, five, six and ten of chapter five; sections one, two and thirteen of chapter six; section eight of chapter seven; sections one, two, three and six of chapter nine of act number two hundred fifty-four, public acts of eighteen hundred ninety-seven, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto." approved June two, eighteen hundred ninety-seven, be amended so as to read as follows:

CHAPTER II.**Appointment of county drain commissioner.****Term of office. Present drain commissioners to hold office to January 1, 1898.****Vacancy, how filled.****To take and subscribe oath and file bond.****Clerk to notify Secretary of State.**

SECTION 1. The board of supervisors of each organized county in this State shall, at their annual meeting in the year eighteen hundred and ninety-seven and every second year thereafter, appoint one county drain commissioner, whose term of office shall be two years, and shall begin on the first day of January following his appointment. All county drain commissioners holding office at the time that this act takes effect shall continue in office until the first day of January, eighteen hundred and ninety-eight. In case of vacancy in the office of the county drain commissioner occurring thirty days or more previous to a regular or special meeting of the board of supervisors, the same may be filled within ten days, or as soon thereafter as practicable, by appointment by a majority vote of the county clerk, prosecuting attorney and judge of probate of the county and of which election they shall file the certificate with the county clerk, and the person so appointed shall hold his office until the next regular or special meeting of the board of supervisors, when the said board shall fill such vacancy. Every county drain commissioner shall within ten days after his appointment, take, subscribe and file with the county clerk the oath of office required by the constitution of this State and shall also within the same time execute and file with such clerk a bond to the county in the penal sum of ten thousand dollars with two or more sufficient sureties to be approved by such clerk, conditioned upon the faithful discharge of the duties of his office. It shall be the duty of the county clerk, upon the appointment of any county drain commissioner to make report

thereof to the Secretary of State, giving also the date he qualified and entered upon the discharge of his duties.

SEC. 4. In case it is proposed to run a part of a drain through an incorporated city or village the whole of such drain shall be located, established and constructed, and the assessment for its construction made by the county drain commissioner in the same manner as herein provided for the construction of other drains by the county drain commissioners, and whenever the word township is used in this act it shall be construed to mean city or village as the case may be.

In case drain runs through city or village.

Word "township," how construed.

CHAPTER III.

SECTION 1. Before the commissioner takes any action towards locating or establishing any drain there shall be filed with him an application signed by not less than ten freeholders of the township or townships in which such drain or the lands to be drained thereby and to be assessed therefor may be situated; also that five or more of said signers shall be owners of lands liable to an assessment for benefits in the construction of such drain: *Provided*, That where there are only three or less property owners liable to assessments for benefits one or more of such owners of lands so liable shall be necessary upon such application, giving a general description of the beginning, the route and the terminus thereof. And in case any county drain commissioner shall directly or indirectly interest himself in securing signatures to an application for any drain he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars or by imprisonment in the county jail not to exceed ninety days or by both such fine and imprisonment in the discretion of the court, and the office of such drain commissioner shall be deemed vacant, and the drain commissioner so convicted shall be incapable of again holding the office of county drain commissioner. Such applicants shall be jointly and severally liable for all costs and expenses in case the county drain commissioner upon examination or upon examination and survey shall determine that the same is unnecessary or impracticable or in case the proceedings shall be dismissed for other cause. If the persons signing such application shall refuse to pay such costs and expenses the county drain commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses with costs of suit. If upon the presentation of such application the county drain commissioner shall deem the financial responsibility of the applicants insufficient he shall have the right to return such application for additional signatures.

Application for drain.

Proviso.

When deemed guilty of a misdemeanor.

Penalty.

Liability of applicants for cost.

Suit for costs.

Insufficient financial responsibility.

SEC. 22. It shall not be necessary for the wife to sign the release of right of way, unless she has an interest in the land other than her inchoate right of dower.

When wife to sign.

CHAPTER IV.

Order
establishing
and maintain-
ing drain.

To divide into
sections.

Grade stakes,
how marked.

Diagrams to be
filed.

•
Notice of time
and place of
letting to be
posted and
published.

Description of
special assess-
ment district.

Review of
assessment.

Who may
appear for
township.

SECTION 1. Upon the release of right of way and damages or upon the determination and return of the special commissioners, or order of the probate court, as the case may be, the county drain commissioner shall make his final order of determination establishing the drain, a certified copy of which order of determination shall be filed with the county clerk within five days after such order is made. He shall include in such order a description of the several tracts or parcels of land to be assessed for benefits in the construction of such drain, which said tracts or parcels shall constitute the special assessment district for that purpose, to be known and designated in such order by the same name of the drain. He shall thereupon, without delay, proceed to divide the route thereof into convenient sections for the letting of the work, and shall mark the depth of cutting on each grade stake, from stake to stake, along the whole length of such drain. He shall also mark on each section stake the number of each section of division from the lower end of said drain, and the length in feet or rods which each section contains, and shall make a diagram corresponding with the divisions so made, and shall file the same with the other papers in his office pertaining to said drain. He shall give not less than ten days' notice of the time and place of letting, by serving personal notice on every person whose lands are affected by such assessment and who resides in the township or townships traversed by said drain, which notice shall be served in the same manner as provided in section six of chapter three for the personal service of citations, and by posting said notice in five public places in each township traversed by said drain, and by causing a notice thereof to be published, not less than two insertions, in one or more weekly newspapers published and of general circulation in the county. Such notice shall contain a description of the several tracts or parcels of lands constituting the special assessment district of such drain, as above provided, and it shall also state that at the time and place of such letting, or at such other time and place thereafter to which the county drain commissioner may adjourn the same, the assessments for benefits and the lands comprised within the special assessment district shall be subject to review for at least one day; such review shall be held open from nine o'clock in the forenoon until five o'clock in the afternoon. On such reviews the supervisor or commissioner of highways of any township may appear on behalf of such township. At such review the county drain commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the descriptions of land comprised within the special assessment district the several descriptions assessed and his assessments of benefits, and define and equalize the same as may seem just and equitable.

Sec. 3. The county drain commissioner shall thereupon proceed to receive bids and let contracts for the construction of the sections, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the county drain commissioner. He shall first let the section at the outlet of the drain, and shall let each remaining section in its order up stream. The county drain commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in the whole or in part, from time to time to such other time or place, to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who may be bidders for the contracts thereon, shall if equal bidders with other parties, be preferred in awarding such contracts. And it shall be the duty of the said drain commissioner, after having been requested in writing by two or more persons whose lands are liable to be assessed for benefits on such drain to notify the county surveyor, or other competent surveyor, of the completion of said drain, and the surveyor shall proceed with the drain commissioner to examine the same. If the county drain commissioner and surveyor, in case the survey was requested as above, are satisfied with the manner in which said work is done, the surveyor or county drain commissioner, as the case may be, shall certify in writing that the drain is completed in accordance with the original grade and specifications, which certificate shall be filed with the county drain commissioner and become a part of the records of said drain; and it shall not be lawful for the county drain commissioner to issue orders on the fund of any drain exceeding two-thirds of the amount earned on any contract, until after acceptance of said work by the county drain commissioner, and the said certificate of the surveyor or the drain commissioner is filed by the said county drain commissioner. In case of any open drain the dirt excavated therefrom shall be placed as near as may be equal on each side and not less than three feet from the edges of said drain and shall not be left in piles more than four feet high except where the drain runs along a highway: *Provided*, That the owner of said lands may by written consent allow the dirt taken from said drain to be otherwise disposed of: *Provided further*, That it shall not be necessary for said drain commissioner to notify the surveyor for his examination of said drain unless the entire cost of construction shall exceed one hundred dollars, nor in case of tile drain.

To receive bids and let contracts.

Security.

How sections let.

May reject bids and adjourn letting.

Who preferred in awarding contracts.

To notify county surveyor.

Who and when to certify that drain is completed.

When certificate filed.

Excavation, how left.

Proviso.

Further provide.

CHAPTER V.

Apportionment of cost of construction of drain.	SECTION 1. The county drain commissioner shall apportion the per cent of the cost of construction of such drain which any township traversed or benefited thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per cent of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per cent assessed against such township as aforesaid, which per cent of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per cent for benefits shall thereupon be subject to review and correction, and may be appealed from in the manner hereinafter provided.
Apportionment of benefits.	SEC. 2. The owner of any land assessed a per cent for any benefit for the construction of any drain, who may conceive himself aggrieved by the assessment made by the county drain commissioner, may, within ten days after the day of review provided for in the preceding section, appeal therefrom and for such purpose make an application to the probate court of the proper county for the appointment of a board of review as hereinafter provided, by filing with said probate court a notice to that effect, and by filing also a bond with such court in the sum of two hundred dollars with one or more sureties to be approved by the judge of said probate court, conditioned upon the payment of all costs in case the assessment made by the county drain commissioner shall be sustained. Any township or townships assessed a per cent for benefits for the construction of any drain that may conceive itself or themselves aggrieved by the assessment made by the county drain commissioner, may within ten days after the date of review provided for in section one of this chapter appeal therefrom as hereinafter provided. The supervisor of any township desiring to take such appeal shall make application to the probate court of the proper county for the appointment of a board of review. Only one application for a board of review shall be entertained by such probate court for any one drain.
Review.	
Appeal.	
Notice.	
Bond.	
Townships may appeal.	
Board of review.	
County drain commissioner to be notified of appeal.	SEC. 3. The probate court upon receipt of any such application, as hereinbefore provided for, shall forthwith notify the county drain commissioner in writing of such appeal and shall thereupon make an order appointing three disinterested and competent freeholders of such county not residents of the township or townships affected by said drain as members of a board of review. The persons so appointed, shall constitute the board of review. The court shall thereupon, with the concurrence of the county drain commissioner, immediately fix a time and place when and where said board of review shall meet to review said assessments, which time shall not be less
Board of review, how appointed.	
Time and place of meeting.	

than ten nor more than fifteen days from the date of filing such appeal. The county drain commissioner shall thereupon give notice to the persons so appointed of their appointment, and of the time and place of meeting, and shall give notice of such meeting by posting notices in at least five public places in each township affected by such assessment, and shall serve a like notice upon the appellant if he be a resident of any township affected and upon the prosecuting attorney of the county in all cases where the State is an interested party. Such service shall be made not less than five days before the day of hearing and may be made either by personal service or by causing a copy thereof to be left at their several places of residence. Proof of service of notice of appeal shall be made by the person serving said notice and be filed in the office of the judge of probate. At such hearing the board of review shall have the right and it shall be their duty to review all assessments made by the county drain commissioner on such drain. The persons so appointed shall be sworn by the county drain commissioner to faithfully discharge the duties of such board of review: *Provided*, That the proceedings in establishing any drain shall be subject to review upon certiorari, as herein provided. Notice of such certiorari shall be served upon the county drain commissioner within ten days after the copy of the final order of determination of such commissioner in establishing any drain has been filed with the county clerk as provided in section one of chapter four, in the same manner as notice is required to be given of certiorari for reviewing judgments rendered by justices of the peace, and the writ shall be issued and served, and bond given and approved and the subject matter brought to issue in the same time and manner, as near as may be, as in such cases provided, except that such certiorari may be heard by the court during term, or at chambers, upon five days notice given to the opposite party; and the circuit court of the county shall hear and determine the same without unnecessary delay, and if any material defect be found in the proceedings for establishing the drain such proceedings shall be set aside. If the proceedings be sustained, the party bringing the certiorari shall be liable for the costs thereof, and if they be not sustained, the parties making application for the drain shall be liable for the costs. If no certiorari be brought within the time herein prescribed, the drain shall be deemed to have been legally established, and its legality shall not thereafter be questioned in any suit at law or equity: *Provided*, No court shall allow any certiorari questioning the legality of any drain by any person unless notice has been given to the county drain commissioner in accordance with the provisions of this chapter: *Provided further*, That when such proceedings are brought, the county drain commissioner shall postpone the letting of contracts and all other proceedings until after the determination of the court. And

Notice of appointment, time and place of meeting; to be posted, etc.

Service, how and when made.

Proof of.

Review of assessment.

Proviso.

Notice of certiorari, when and on whom served.

Writ to be issued and bond given.

May be heard at chambers, notice five days.

Costs, who liable for.

When drain deemed to be legally established.

Proviso.

Further proviso.

In case of error, who to correct.	if any error be found in the proceedings, the court shall direct the county drain commissioner to correct such error or errors and then proceed the same as though no error had been made.
Duty of board of review.	SEC. 5. The board of review shall proceed at the time and place specified in the notice to hear the proofs and allegations of all the parties in respect to the matter of appeal and shall thereupon proceed to view the lands benefited by such drain and review all the assessments made by the county drain commissioner on such drain, and if in their judgment there be manifest error or inequality in such assessments, they shall order and make such changes therein as they may deem just and equitable. [Should the board of review find upon personal examination that there are lands liable to be assessed for the construction of said drain that are not included in the assessing district made by the drain commissioner, they shall add such lands to the assessing district of said drain and shall adjourn such review to such other time or place to be by them at the time of such adjournment publicly announced, as shall to them seem proper, but not in all more than twenty days from and after the time of review first advertised and shall serve a notice on all such owners of lands living in the township; such notice shall give the time and place of said review, also the description of lands added to said assessing district and shall be served at least ten days before the adjourned day of review. Should such owners of land liable to an assessment be non-residents of said township, there shall be a personal notice served on said owners as required above, or a notice shall be published in some weekly newspaper published in said county at least two insertions, giving the description or descriptions of lands added to said assessment district; also giving the time and place where said board of review shall meet. The action and decision of said board shall be final. The action and decision shall be reduced to writing and signed by a majority [of] the board making the same, and shall be delivered to the county drain commissioner together with all other papers relating thereto.]
When to add lands to assessing district.	
Adjournment notice, etc.	
What notice to contain, service, etc.	
Procedure in case of non-residents.	
Action to be final. Decision to be signed by board.	
Who to pay costs.	SEC. 6. In case the assessment of the county drain commissioner shall be sustained by (such board of review,) the appellant shall pay the whole costs and expenses of such appeal. Such costs and expenses shall be ascertained and determined by the (judge of probate,) and if not paid the appellant shall be liable on his bond for the full amount of such costs in an action at law, to be brought by the county drain commissioner, on the bond, before any court having competent jurisdiction.
Judge of probate to determine amount.	
When drain commissioner to adjourn hearing.	SEC. 10. Should any or all of the persons so appointed as a board of review neglect or refuse to serve or be unable to act, the county drain commissioner shall adjourn the hearing for a sufficient length of time not exceeding in all ten days, to enable him to apply to the probate court, for the appointment of other persons to act on such board of review and shall make

public announcement of the time and place of such adjournment. The review shall thereupon be deemed a continuous proceeding and no further notice shall be required. The probate court shall upon the showing being made, either that any or all the persons appointed as aforesaid have neglected, refused or were unable to act as the case may be and of the adjourned day of meeting at once by order appoint such other person or persons of like qualifications as before to fill such vacancy. And the county drain commissioner shall notify the person or persons so appointed to fill such vacancy of his appointment and of the adjourned day of meeting. The person so appointed shall have the same power and perform the same duties as are herein provided for the board of review in the first instance. The persons acting as such board of review shall receive the sum of three dollars per day for each day actually and necessarily spent in the discharge of their duties as members of such board of review. In case the assessment made by the county drain commissioner is sustained, the (individual) township or townships appealing shall be severally liable for all costs incurred by such appeal, and the same proceedings shall be had throughout in all respects in said appeal to said probate court, as to the benefits and liabilities in case of an appeal [to the judge of probate] from an individual assessment: *Provided*, That in case two or more townships appeal from the same assessment, only one board of review shall be appointed to review the assessment against the several townships: *Provided further*, That the board of review herein provided for may adjourn any hearing before them from time to time, as justice may require, not exceeding in all twenty days from the date of their first meeting.

Probate court to fill vacancies in board.

Notice of appointment.

Power and duties.

Compensation.

When assessment sustained who to pay costs, etc.

Proviso.

Further proviso.

CHAPTER VI.

SECTION 1. Within ten days after the letting of contracts, and in case of an appeal, then forthwith after such appeal shall have been decided, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expenses of locating, establishing and constructing the same, including the commissioner's fees, cost of survey, fees and expenses of special commissioners or jury, and the amount of contracts for construction, also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum and add thereto ten per centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain. In case the drain and the assessment therefor shall affect more than one township or one or more townships and an incorporated city [or village], the county drain commissioner shall apportion such

When to make computation of cost of drain.

What to include.

Apportionment of assessment when drain affects more than one township, village or city.

sum between the several township or townships, city, (village) or county so affected upon the basis and per cent determined upon by him, as provided in section one of chapter five, or in case of an appeal, then as provided in section four of chapter five.

Commissioner to make special assessment roll.

To enter amount apportioned to each township.

When rolls to be signed and filed.

Procedure in case court declares proceedings illegal.

Commissioner to relay and complete drain, etc.

Proviso.

Further proviso.

SEC. 2. The county drain commissioner shall thereupon make a special assessment roll for such drain for each township, or each township and city affected thereby, which roll shall be designated "(giving the name) Drain Special Assessment Roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent heretofore determined upon by him or by the (board of review) as the case may be. He shall also enter thereon the amount of the per cent apportioned to such township or townships and any city (or village), and shall add a certificate in writing of his determination, made at the time and place of letting, whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships, or of any city in which such lands may be located.

SEC. 13. Whenever any drain has been located, established and the work of construction completed or partially completed, and any court has declared such proceedings illegal or void for any cause other than that such drain is unnecessary and not conducive to the public health, convenience or welfare, the county drain commissioner shall, without unnecessary delay, proceed to relay and complete such drain under the provisions of this act, and reassess upon the lands benefited by such drain the original cost thereof, together with the expenses of relaying and completing, and shall continue so to do until such drain has been legally established and constructed: *Provided*, That on such relaying or completion of such drain proceedings it shall not be necessary to readvertise a day of letting, but he shall advertise a day of review for benefits, which review may be held at the office of the county drain commissioner: *Provided further*, That any person who has paid the tax for benefits assessed against him for such drain shall be allowed the amount so paid and the township treasurer or other officer authorized to receive payment for taxes assessed in any township or city shall accept the receipt heretofore issued or certificate of the county treasurer that such taxes were paid, for the payment of such drain taxes as cash, the same to apply on such renewed assessment. The receipt (or certificate) so received by the township treasurer or other officer shall be credited to him and allowed as money. The provisions of this section shall also apply to drains laid out and wholly or partly constructed under the provisions of all drain laws in force prior to the passage of this act.

CHAPTER VII.

SEC. 8. Whenever a drain heretofore established and which was constructed in and traverses more than one county needs cleaning out, deepening, widening and extending, any five freeholders of either county by which such drain is traversed (or affected), one or more of whom shall be owners of land which at the time of its construction was assessed therefor, may make application to the county drain commissioner of either county in which such drain is situated, setting forth the necessity thereof. If, upon examination, such drain commissioner shall deem the same to be necessary and for the good of the public health, he shall, as soon as practicable thereafter, notify the county drain commissioner or commissioners of such other counties and furnish them with a certified copy of such application, and they shall thereupon meet and jointly take such measures as are provided in this chapter relative to drains traversing more than one county, and act in like manner, as provided in chapter eight of this act in the manner of establishing drains.

Cleaning, etc.,
of drains, in
two or more
counties.

Joint action.

CHAPTER VIII.

SEC. 8. Whenever any person shall obstruct any established drain it shall be the duty of the drain commissioner to cause such obstruction to be removed. The person causing such obstruction shall be liable for the expense attendant upon the removal thereof, together with the charges of the drain commissioner, and the same shall be a lien upon the lands of party causing or permitting such obstruction, and all of the expense shall by the drain commissioner be reported to the board of supervisors, together with the report of his doings in the premises, and by said board ordered spread upon the land of the offending party, should the same remain unpaid: *Provided*, That the owner or occupants of the land on which the obstruction is claimed to exist shall be given a notice in writing of at least five days to remove such obstruction. This provision as to obstruction of any drain shall not apply where the obstruction was caused by natural causes, but the owner of stock who shall permit his horses, cattle, pigs and other stock to obstruct any drain by tramping in it shall be deemed to be the party causing such obstruction. Nothing contained in this section shall in any way impede or bar the right of any person to make criminal complaint under any existing law for any obstruction of a drain.

Commissioner
to remove
obstruction.
Who liable for
expense.

Proviso.

CHAPTER IX.

County drain commissioner may appoint deputies.

SECTION 1. Any county drain commissioner shall on written request of the township board and with the consent of his bondsmen in writing filed with said drain commissioner, appoint one deputy in each township whose duty it shall be to act in the place of the county drain commissioner so appointing them, only when under the provisions of this act, any drain is to be cleaned out. Such deputy, when so appointed, shall file a bond with the county drain commissioner, to be approved by him in the sum of one thousand dollars, for the faithful performance of his duties. Such appointments, when so made, shall be in writing and filed with the clerk of the county.

Bond, where filed.

Who liable for acts of deputies.

SEC. 2. Such county drain commissioner and his bondsmen shall be liable for all the acts and defaults of the deputy county drain commissioners, when so appointed as herein provided. All drain orders issued for any purpose shall be drawn by the county drain commissioner.

Report, compensation, etc.

SEC. 3. Deputy county drain commissioners shall make a report to the county drain commissioner of all work performed by them on or before the first Wednesday in September in each year and shall receive for their compensation the sum of two dollars per day for each day actually and necessarily spent by them in the discharge of their duties, as prescribed in section one of this chapter.

Accounts, how audited.

SEC. 6. The accounts of such drain commissioner or his deputy shall be verified by the oath of the drain commissioner or deputy and audited by the judge of probate, county treasurer and county clerk of their respective counties, acting jointly and endorsed by them, or a majority of them after which such accounts shall be filed with the county clerk. County drain commissioners shall be in their office on the first Saturday in each month during the year, and shall not draw any orders upon any drain fund in payment for their services until their accounts have been audited and filed, as herein provided: *Provided*, That no orders shall be issued on any drain until the same has been sold.

When commissioners to be in their office.

Proviso.

Publications, etc., how directed.

SEC. 12. The publication of all matters provided for in this act shall be by the order and direction of the county drain commissioner.

Repealing clause.

SEC. 13. All acts or parts of acts heretofore enacted that are inconsistent with the provisions of this act are hereby repealed, saving all acts done and all rights acquired at the time this act takes effect, and any proceedings had or begun may be carried forward and completed thereunder, the same as they might have been done had this act not passed.

Approved June 23, 1899.

[No. 273.]

AN ACT to amend sections four, eight, nine, twenty-two and twenty-three of act number two hundred five of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the Incorporation of Societies for the Receiving, Loaning and Investing of Money." Being sections six thousand one hundred ninety-three, six thousand one hundred ninety-seven, six thousand one hundred ninety-eight, six thousand two hundred eleven and six thousand two hundred twelve of the Compiled Laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections four, eight, nine, twenty-two and twenty-three of act number two hundred five of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of societies for receiving, loaning and investing of money," being sections six thousand one hundred ninety-three, six thousand one hundred ninety-seven, six thousand one hundred ninety-eight, six thousand two hundred eleven and six thousand two hundred twelve of the Compiled Laws of eighteen hundred ninety-seven. Be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 4. The loans or deposits received and not repaid by such society under the provisions of this act are hereby declared in case of the insolvency or winding up the affairs of such society a first lien upon the assets of such society and the parties making such loans or deposits shall be preferred creditors of such society. What constitutes first lien.

SEC. 8. Such society is hereby empowered to lay out and invest its capital, or other moneys entrusted or in anywise belonging to such society, in the first place, in paying and discharging all costs, charges and expenses incurred in the formation and management of such society; and the remainder of such capital or other moneys, or so much thereof as may from time to time be deemed necessary, may be advanced by way of a loan to any person or persons, partnerships, or corporations in sums not exceeding three thousand dollars to any borrower upon security of bonds and mortgages or notes and mortgages, on unincumbered real estate, of at least double the value of such loans; or any part or parts of such capital, or other moneys, may be invested in the stocks or bonds of the United States, or of any of the so-called New England, Middle or Northwestern States, or in any bonds lawfully issued by any county, city or school district in this State, and upon such terms and conditions as such society shall deem satisfactory and expedient. How capital to be invested.

SEC. 9. Every borrower from such society of a loan, secured by bond and mortgage or note and mortgage on real estate, in accordance with section eight of this act, shall have the right Payment of loan by periodical installments.

Proviso as to interest.

to repay such loan, together with the interest, by certain periodical installments, hereinafter called loan repayments, extending over such period not less than one nor more than ten years, as shall be stated in such bond and mortgage or note and mortgage: *Provided*, That such interest shall not exceed seven per centum per annum, and shall be calculated on the amount or balance of principal from time to time owing: *Provided, also*, That no such borrower shall be charged with or pay any commission in the way of premium or discount on the amount of loan so made to him on security as aforesaid.

Reports, when and to whom made.

SEC. 22. Every such society shall make to the commissioner of the banking department not less than four reports during each calendar year, at such times as said commissioner shall require the same, according to the forms which he shall prescribe and furnish. Such reports shall be verified by the oath or affirmation of the president, vice-president, manager or treasurer thereof, and signed by at least three of the directors. Such report shall exhibit in detail, and under appropriate heads, the resources, assets and liabilities of such society at the close of business of any past day by him specified, and shall be transmitted to said commissioner within ten days after the receipt of a request therefor from him and in the same form such reports shall be published in a newspaper in the city, village or county, where such society is located, and proof of publication shall be furnished to said commissioner.

What to exhibit.

Special reports.

Commissioner or deputy may examine condition of society.

Such commissioner shall also have the power to call for special reports from any such society whenever, in his judgment, the same are necessary to inform him fully of the condition of such societies. He shall also have power at any time he may deem proper to enter the office of any such society, either personally or by any deputy or examiner employed in his office, for the purpose of examining into the condition of such society, and he shall at such times have access to all the books and assets of such society, so that he may determine fully the nature and quality of the assets of such society and its method of doing business; and it shall be his duty to make such examination at least once in each year and he shall receive for each examination so made by him one-tenth of a mill on a dollar of the assets of the society, to be paid by the society examined at the time of the examination. In addition to the reports required above, every such society shall report to the commissioner within ten days after declaring any dividend the amount of such dividend, the amount carried to surplus fund, and the amount of net earnings in excess thereof; such report to be verified by the oath or affirmation of one of the executive officers of such society.

Additional reports.

Penalty for failure to make report.

SEC. 23. Every such society failing to make and transmit to the commissioner any of the reports required by this act shall be subject to a penalty of one hundred dollars for each day after the time mentioned above for making such reports. Whenever any such society delays or refuses to pay the penalty

herein imposed for a failure to make and transmit a report the commissioner is hereby authorized to maintain an action in the name of his office against such delinquent society for the recovery of such penalty, and all sums collected by such action shall be paid into the State Treasury and applied upon the expenses of the banking department. Whenever the Commissioner of the Banking Department shall upon knowledge, information or belief derived from any report made to him by any such society, or from any other source, be satisfied that the business of such society is being conducted in a manner inconsistent with the provisions of this act, or any of the laws of this State, and prejudicial to the interests of the creditors of such society, or if upon the consideration of such reports said banking commissioner shall deem such society to be insolvent or to have conducted its business in a manner inconsistent with the provisions of this act, or of any of the laws of this State, he shall report the facts to the Attorney General, whose duty it shall be if the facts so reported warrant it, to institute proceedings against such society for the dissolution thereof, in the proper court and in the same manner as any other corporation may be proceeded against and dissolved. It is hereby made the duty of the Commissioner of the Banking Department to enforce the provisions of this chapter and the other laws of this State applicable to the societies hereby authorized.

When Commissioner may institute proceedings for dissolution of society.

Approved June 23, 1899.

JOINT RESOLUTIONS, 1899.

[No. 1.]

JOINT RESOLUTION relative to the Binding of the Compiled Laws of eighteen hundred ninety-seven.

WHEREAS, The Compiled Laws of eighteen hundred ninety-seven have proved to be too voluminous and bulky to be bound in two volumes, with a separate index, as provided by act number twenty-six of eighteen hundred ninety-seven; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors shall forthwith cause the text of said Compiled Laws of eighteen hundred ninety-seven to be firmly and substantially bound in three equal-sized volumes with appropriate title pages, tables of contents, etc., and shall cause the index to the same, as soon as the printing thereof is completed, to be bound in the same manner as the volumes of the text, the said several volumes to be labeled and numbered on the backs thereof in the same manner as provided in said act number twenty-six of eighteen hundred ninety-seven.

Be it further Resolved, That one hundred and fifty copies of said Compiled Laws of eighteen hundred ninety-seven be bound, as soon as possible, for the use of the members of the Legislature, each volume of said one hundred and fifty copies to be stamped "Legislature" on one side thereof, and to be deposited with the State Librarian at the close of this session for the use of future legislatures.

This Joint Resolution is ordered to take immediate effect.

Approved January 17, 1899.

[No. 2.]

JOINT RESOLUTION to provide for the appointment of a representative of the State of Michigan to attend to exhuming of bodies of Michigan soldiers in Cuba, Porto Rico and in the United States outside of Michigan, and to transporting to and burying them at their homes, and for the payment of the compensation of such representative and the expense attendant thereon.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor shall appoint a person to represent the State of Michigan in the matter of exhuming and transporting the bodies of Michigan soldiers; that the special duty of such person shall be to act with officials of the United States Government in the matter of exhuming and transporting the bodies of Michigan soldiers, whether volunteers or regulars, in Cuba, Porto Rico, and places in the United States outside of Michigan; to see that the said work shall be done with proper care, precaution and due respect; that all chances of mistakes in identification and transportation shall be avoided and generally to act as intermediary between the officials of the United States Government and the families or local communities of the State to whom the soldier dead are to be sent, and further to see, where necessary, that they receive suitable burial.

And further resolved, That so much of the expense of such exhuming, transporting and burial, as is not assumed by the United States Government, and the compensation for the services and expenses of said representative, and all other necessary expenses incurred in carrying out the object of this resolution shall be stated in account, duly sworn to, and after approval by the Governor, shall be paid by the State Treasurer upon the warrant of the Auditor General out of any moneys not otherwise appropriated, provided that the amount of per diem or other personal compensation for such representative shall be determined by the Board of State Auditors, subject to the approval of the Governor, prior to the commencement of said work.

This Joint Resolution is ordered to take immediate effect.

Approved January 24, 1899.

[No. 3.]

JOINT RESOLUTION to amend Section Six of Article Six of the Constitution of the State of Michigan, relative to Circuit Courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that Section Six of Article Six of said Constitution be amended so as to read as follows:

SEC. 6. The State shall be divided into Judicial Circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for a term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in which the judicial circuit in which the county of Kent is or may be situated, [and in the judicial circuit in which the county of St. Clair is or may be situated.] And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the Board

of Supervisors of said county. And the Board of Supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such Board of Supervisors.

This section as amended shall take effect from the time of its adoption.

And be it further resolved, That said constitutional amendment shall be submitted to the people of the State at the election to be held on the first Monday in April, in the year one thousand eight hundred ninety-nine, and that the Secretary of State is hereby required to certify the same to the clerks of the several counties, and give notice of the same to the sheriffs of the several counties of this State, and the said sheriffs of the several counties of this State shall be required to give notice of the same to the several townships and wards in said State, in the manner required by law, and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for or against said amendment, and the said amendment shall be printed upon the official ballot used at said election, as provided by law, as follows:

"Amendment to the Constitution relative to Circuit Courts.—YES."

"Amendment to the Constitution relative to Circuit Courts.—NO."

The ballots shall be furnished and shall in all respects comply with and be canvassed, and returns made, as now required by law.

This Joint Resolution is ordered to take immediate effect.

Approved March 7, 1899.

[No. 4.]

JOINT RESOLUTION proposing an amendment to section twenty-two, article four, of the constitution of this State, relative to furnishing supplies and to the establishment in the city of Lansing of a printing office owned by the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment of section twenty-two, article four, of the constitution of this State, be and the same is hereby proposed, to read as follows:

SEC. 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall provide by law for the establishment, at the city of Lansing, of a State Printing and Binding Establishment, in which the printing and binding of the laws and journals, all blanks and printing for the Executive department, and all other printing and binding ordered by the Legislature, shall be performed. The Legislature shall not rescind or alter any contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of his contract. No mem-

ber of the Legislature or officers of this State shall be interested, directly or indirectly, in any State contract. Be it further

Resolved, That the said amendment shall be submitted to the people at the next spring electing, being the first Monday in April, eighteen hundred ninety-nine, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, at the time prior to said election required by law, and said sheriffs are hereby required to give the several notices required by law. Each person voting for said amendment shall have written or printed on his ballot, as provided by law, the words: "Amendment of the Constitution relating to State Printing Office—YES." Each person voting against said amendment shall have on his ballot, in like manner: "Amendment of the Constitution relating to State Printing Office—NO." The ballots shall all be canvassed in all respects, and records made, as in general elections of State officers.

This act is ordered to take immediate effect.

[No. 5.]

JOINT RESOLUTION proposing an amendment to section forty-nine, of article four, of the constitution of this State, relative to the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section forty-nine, of article four, of the constitution of this State, be and the same is hereby proposed, to read as follows:

SEC. 49. The Legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships, and may authorize counties to take charge and control of any highways within their limits for such purposes; and may modify, change or abolish the powers and duties of township commissioners and overseers of highways. But the tax raised in any one year shall not exceed two dollars upon each one thousand dollars valuation, according to the assessment roll of the county for the preceding year. The Legislature may also prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts, and may provide for one or more county road commissioners, to be elected by the people, or appointed, with such powers and duties as may be prescribed by law.

No county shall incur any indebtedness for any purposes in excess of three per cent of the valuation, according to the last assessment roll, and no such indebtedness beyond one-half of one per cent of such valuation shall be incurred, unless authorized by a majority of the electors of said county voting thereon: *Provided*, That any county road system provided by law shall not go into operation in any county until the electors of said county, by a majority vote, have declared in favor of adopting the county road system.

Be it further resolved, That said amendment shall be submitted to the people of this State at the election to be held on the first Monday of April, eighteen hundred ninety-nine, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State at least fifteen days prior to said election. And it shall be the duty of the several boards of election commissioners, in the several counties of this State, in preparing the ballots to be used at such election, to have printed thereon the words, "Amendment to the constitution relative to the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships," and below the same, upon the ballot, shall be placed, in separate lines, the words "Yes," and "No," and each elector shall designate his vote by a cross mark placed opposite the word "Yes," or the word "No." The manner of voting shall conform to the provisions of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State." The ballots shall in all respects be canvassed, and returns made, as in general elections of State officers; and

Be it further resolved, That all provisions of act number one hundred ninety, of the public acts of one thousand eight hundred ninety-one, so far as the same relate to the time required for the Secretary of State to give notice of the same to the sheriffs of the several counties, shall not be applicable to this joint resolution.

[No. 6.]

JOINT RESOLUTION to amend sections one, five, eight, ten, twelve, fourteen, fifteen, nineteen and twenty, of article six, of the constitution of this State, relative to the judicial department.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendments to the constitution of this State be and the same are hereby proposed—that is to say, that section one, article six, section five, article six, section eight, article six, section ten, article six, section twelve, article six, section fourteen, article six, section fifteen, article six, section nineteen, article six, and section twenty, article six, of said constitution, be amended so as to read as follows:

SECTION 1. The judicial power is vested in one supreme court, in one intermediate court, which intermediate court shall have such jurisdiction and powers as may be prescribed by the legislature, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.

SEC. 5. The supreme court shall, by a general rule, establish, modify and amend the practice in such court, and in the intermediate, circuit and probate courts, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

SEC. 8. The intermediate court shall have such appellate jurisdiction in all matters civil and criminal, from all circuit courts and other inferior courts and tribunals, and supervisory control of the same, as may be prescribed by law. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. The intermediate and circuit courts shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

SEC. 10. The supreme and intermediate courts may each appoint a reporter of its decisions. The decisions of the supreme court and intermediate court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reason of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of such supreme court and intermediate court, respectively. The judges of the circuit courts, within their respective jurisdictions, may appoint a stenographer, and may fill vacancies in the office of county clerk and prosecuting attorney, but no judge of the supreme, intermediate or circuit courts shall exercise any other power of appointment to public office, except as provided for above, and in section twelve of this article.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The supreme and intermediate courts shall each have power to appoint a clerk for their respective courts, and such other officers as may be necessary in the preparation of their said opinions, and to carry into effect their judgments, decrees and orders.

SEC. 14. When a vacancy occurs in the office of the judge of the supreme, intermediate, circuit or probate courts, it shall be filled by appointment of the Governor, which shall continue until his successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

SEC. 15. The supreme and intermediate courts, and circuit and probate courts of each county, shall be courts of record, and shall each have a common seal.

SEC. 19. Judges of the supreme and intermediate courts, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

SEC. 20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred fifty-one, and every sixth year thereafter. The first election of judges of the intermediate court shall be held in the first Monday of April, one thousand nine hundred one, and for one judge of said intermediate court every two years thereafter. The judges of such intermediate court shall be so classified that but one of them shall go out of office at the same time. The Governor shall appoint judges of such intermediate court, who shall hold their respective offices until their successors are elected and qualified.

Whenever an additional circuit court is created, provision shall be made to hold the subsequent elections of such additional judges at the regular election herein provided.

Be it further resolved, That said amendments shall be submitted to the people of the State of Michigan at the next spring election, on the first Monday of April, in the year one thousand eight hundred ninety-nine, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State the time prior to said election required by law; and the said sheriffs are hereby required to give the several notices required by law. Each person voting for said amendments shall have written or printed on his ballot as then provided by law, the words: "Amendments to the constitution relative to the judicial department—YES;" and each person voting against said amendments shall have on his ballot in like manner: "Amendments to the constitution relative to the judicial department—NO." The ballots shall in all respects be canvassed and returns made as in general elections of State officers.

This Joint Resolution is ordered to take immediate effect.

[No. 7.]

JOINT RESOLUTION to authorize and instruct the Board of State Auditors to examine into, and if they deem it justifiable, to allow the claim of William T. Densmore for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Hudson Light Artillery Company, an organized Volunteer Militia Company, organized under the laws of the State of Michigan, at Hudson, Michigan.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and instructed to examine into the claim of William T. Densmore for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Hudson Light Artillery Company (an organized volunteer militia company organized under the laws of the State of Michigan) at Adrian, Michigan, at the beginning of the civil war, and, if they deem said claim justifiable, to allow him a monthly compensation of fifteen dollars until such monthly payments shall, in the aggregate, equal a sum not to exceed two thousand dollars: *Provided*, That compensation shall cease immediately upon the death of said William T. Densmore.

Be it further resolved, That when said board shall have ascertained and fixed the limit of compensation to be paid, if any, they shall draw their order monthly upon the State Treasurer for such sum as they shall allow monthly, payable to the order of William T. Densmore, and it shall be the

duty of said State Treasurer, upon the presentation of such orders, duly signed by the chairman of the Board of State Auditors and countersigned by the secretary of such board, to pay the same out of the State Treasury.

This Joint Resolution is ordered to take immediate effect.

Approved March 21, 1899.

[No. 8.]

JOINT RESOLUTION for the publication, printing and binding of ten thousand copies of the History of Michigan organizations at Chickamauga, Chattanooga and Missionary Ridge, written by Captain Charles E. Belknap, and to provide for the distribution of same.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby directed to have published, printed and bound, ten thousand copies of the History of Michigan Organizations at Chickamauga, Chattanooga, and Missionary Ridge; the size and quality of the paper, the size of type used, the amount of matter upon each page, and the style of binding, shall be substantially the same as in the copies of said work heretofore published, and the said copies when printed and bound shall be delivered to the Adjutant General of the State, and shall be distributed by him in accordance with the provisions of this joint resolution.

Any person who served in any of the Michigan regiments participating in the battles of Chickamauga, Chattanooga and Missionary Ridge, and who has been honorably discharged, or if any such person be dead, then his widow, if living, or if she be dead, his father, if living, and if he be dead, then the mother of such person, and any person who is still in the service, shall be entitled to receive one copy of said work on application and identification to the Adjutant General, and, if the application for such copy be not made in person, by depositing with the Adjutant General twenty cents to cover the expense of sending such book.

Five hundred copies of said work shall be deposited with the State Librarian, for use in the State Library, in the State traveling libraries, and for exchange with other libraries. Each township library and each free and incorporated library in the State shall be entitled to receive one copy of said book, and Captain Charles E. Belknap, author of said book, shall be entitled to receive two thousand copies.

This Joint Resolution is ordered to take immediate effect.

Approved March 30, 1899.

[No. 9.]

JOINT RESOLUTION authorizing the issue of a Patent for certain State Swamp Lands in Ogemaw County to Milton Adams.

WHEREAS, It is alleged that the southeast quarter of the southwest quarter of section twenty-three in township twenty-one north, range four east, was with other lands ceded to the State of Michigan as State swamp land by act of Congress, approved September twenty-eighth, A. D. eighteen hundred fifty, nine United States Statutes at Large, page five hundred nineteen; and

WHEREAS, It is also alleged that in patenting said lands to said State the southeast quarter of the northwest quarter of said section was included therein instead of said southeast quarter of the southwest quarter, and said State did sell and convey said southeast quarter of the northwest quarter and received the proceeds thereof; and,

WHEREAS, It is also alleged that said Milton Adams purchased said southeast quarter of the southwest quarter in eighteen hundred eighty-six in good faith, but from a person having no title thereto, and has since improved the same and resided continuously thereon; and,

WHEREAS, It is also alleged that at the solicitation of said Milton Adams, and in order that he might acquire title thereto, the general land office at Washington has issued a patent for said southeast quarter of the southwest quarter to the State of Michigan, without expense or charge to this State; and,

WHEREAS, It is also alleged that said Milton Adams is equitably entitled to said land;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State, if after an examination of the facts involved in the matter of this claim, is assured of its merits, he is hereby authorized to grant a patent to the land described as the southeast quarter of the northwest quarter of section twenty-three, township twenty-one, north of range four east, to Milton Adams, the aforesaid claimant.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 10.]

JOINT RESOLUTION to provide for the relief of Thomas Allen.

WHEREAS, It satisfactorily appears that Thomas Allen, now of the city of Detroit, was, on or about the twentieth day of August, eighteen hundred and ninety, arrested at the city of Grand Rapids upon the charge of "assault with the intent to do great bodily harm," and taken a prisoner to the county jail of Mecosta county and there confined until the fourteenth day of November following, and then tried and convicted upon said charge, of which he was entirely innocent, he being at the time of

the commission of the supposed crime in the city of San Francisco, California, and was sentenced upon such conviction to imprisonment in the State prison at Jackson for the term of five and one-half years; and

WHEREAS, He served upon such sentence over a year and one month before it was demonstrated that he was innocent of such offense, and received a full and unconditional pardon by the late Governor Winans; and

WHEREAS, Great injustice was done said Allen by reason of such arrest and imprisonment in the county jail of Mecosta county, trial sentence and imprisonment in the State prison, for which he should receive compensation; therefor be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors shall investigate the claim of said Thomas Allen as set forth in the above preamble, and if in the judgment of the board the facts set forth are true, the Board of State Auditors are hereby authorized and empowered to audit and allow the same Thomas Allen his heirs or assigns a sum not to exceed ten dollars per month for a period not to exceed ten years from and after the passage of this joint resolution; and the Board of State Auditors are hereby authorized to draw their warrant on the State Treasurer for the payment of the same.

This Joint Resolution is ordered to take immediate effect.

Approved May 10, 1899.

[No. 11.]

JOINT RESOLUTION directing the Board of State Auditors to investigate and examine the claim of George J. LaDu, of Newberry, Michigan, against the State of Michigan, on account of personal injuries received by him while in the employ of the State at the Upper Peninsula Hospital for the Insane, and to provide for the payment to him of a sufficient sum of money to compensate him for his damages sustained.

WHEREAS, George J. LaDu, of Newberry, Michigan, claims that he was employed by the State of Michigan as supervisor at and in the Upper Peninsula Hospital for the Insane during the year one thousand eight hundred ninety-eight, and for several years prior thereto; that on the eleventh day of February, eighteen hundred ninety-eight, while so employed and engaged in such services and in pursuance of his ordinary duties, he received, without any fault on his part, serious, lasting and permanent bodily injuries, by being assaulted, struck, cut, bruised and grievously wounded by an insane inmate of said hospital, of whom the said LaDu was legally in charge; that at the time said injuries were received the said LaDu was conducting a squad of the inmates of the said hospital to work on the grounds thereof, they having in their possession grub-hoes and shovels to be used in their work; that these inmates were not then regarded as dangerous, nor had they, or any of them, ever shown or exhibited any dangerous or homicidal tendencies; but that while the said LaDu, with all due care and caution, was so in charge of said in-

mates, one of them suddenly and violently assaulted him and knocked him down and senseless by violently striking him on the back of his head at the base of the brain with a grub-hoe, and thereupon striking him again with the grub-hoe upon his hip, and thus cut and lacerated his thigh and fractured the femur bone near the hip joint; that said LaDu was wholly without fault, for the man who assaulted him had been up to that time one of the quietest inmates of the hospital; that by reason of said injury to his thigh the said LaDu has been rendered permanently lame, and by reason of the injury caused by said blow upon the back of his head his brain and nervous system were greatly shocked and permanently injured, and his memory and reason permanently impaired, and he suffers and will continue to suffer great pain of the body and mind:

AND WHEREAS, The said LaDu claims that, although using great care and skill for his recovery from said injuries, he has not recovered and never will recover from the same, and that he is permanently injured thereby; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and such board is hereby authorized and directed to investigate and examine said claim and determine the same, and the extent of the injuries, if any, suffered by the said George J. LaDu in the premises, and to adjust such claim and allow said George J. LaDu such sum or sums of money on account thereof as may be necessary to compensate him for damages occasioned by such injuries. And the Auditor General is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the Said George J. LaDu for the amount so audited and allowed by said Board of State Auditors, and the same shall be payable out of any moneys in the treasury not otherwise appropriated: *Provided*, That such compensation shall not exceed the sum of two thousand dollars, which, if allowed by the Board of State Auditors and paid, or any portion of said amount, it shall be in full for all claims and injuries herein claimed.

This Senate Joint Resolution is ordered to take immediate effect.

Approved May 17, 1899.

[No. 12.]

JOINT RESOLUTION for the relief of Louis Schmidt, a private in Co. H, Second Regiment, Michigan State troops, who was injured while in the line of duty by the premature discharge of a gun at Grand Haven on July fourth, eighteen hundred eighty-four.

WHEREAS, Louis Schmidt, a private in Co. H, Second Regiment, Michigan State troops, while in the line of duty and under command of proper officers, was engaged in firing a salute on July fourth, eighteen hundred eighty-four, at the city of Grand Haven, by the premature discharge of the artillery piece which was being handled by the squad of which he was a member, lost one of his arms; be it

Resolved by the Senate and House of Representatives, That the Board

of State Auditors are hereby directed to inquire into all the facts connected therewith, and if on consultation with the Attorney General, it shall be found that as a matter of law the injury suffered by the said Louis Schmidt was such as that, were the State a private individual, there would be a just liability attaching thereto, that the said board may audit and allow said claim at such just amount as to them shall seem proper and right in a sum not to exceed one thousand five hundred dollars. And upon the receipt of the above mentioned amount or any part thereof allowed by the board of State Auditors, the said Louis Schmidt shall sign a receipt in full for all claims against the State of Michigan on account of said injury.

This Joint Resolution is ordered to take immediate effect.

Approved May 25, 1899.

[No. 13.]

JOINT RESOLUTION directing the Board of State Auditors to settle claim made by George W. Crump against the State of Michigan for compensation for injuries received by him while Superintending the Removal of Camp Supplies and Equipage from the Military Camp at Island Lake to the Railroad Station, on the ninth day of August, eighteen hundred eighty-seven.

WHEREAS, George W. Crump claims that there is justly and equitably due him from the State of Michigan a sum of money by way of compensation for injuries received by him on the ninth day of August, eighteen hundred and eighty-seven, which injuries are claimed to be of a very serious character, and were occasioned by the falling of a large amount of camp supplies and equipage from a wagon while the same were being transported from the military camp at Island Lake to the railroad station, the removal of which said camp supplies and equipage was, at that time, being superintended by the said George W. Crump in the proper discharge of his duties as quartermaster sergeant, and for which injuries he has received no imbursement or compensation; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to investigate and examine said claim and determine as to the same, and what amount, if any, is justly and equitably due and owing to the said George W. Crump, and said board is hereby authorized and empowered to settle and adjust said claim and to allow said George W. Crump such sum as they shall find justly and equitably due him therefor, not to exceed the sum of two thousand dollars.

This Joint Resolution is ordered to take immediate effect.

Approved May 25, 1899.

[No. 14.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to deed to Arthur J. Searle of Williamston, the west half of the northeast quarter of section twenty-seven of town nineteen north of range six west.

The People of the State of Michigan enact:

WHEREAS, The west half of the northeast quarter of section twenty-seven, of town nineteen north of range six west, was deeded to the State as abandoned State tax land under the provisions of section one hundred twenty-seven of act two hundred six of the public acts of eighteen hundred ninety-three, and is now held by the State Land Office as tax homestead land; now, therefore

Resolved, by the Senate and House of Representatives, That the Commissioner of the State Land Office be and is hereby authorized, empowered and directed to deed said lands to Arthur J. Searle upon the payment by him to the Auditor General for the benefit of the State, and of the county and township in which said land is situated in proportion to the taxes, interest and charges due each at the time said land was deeded to the State as aforesaid, of the sum of one hundred and thirty-four dollars and ninety cents, with interest on said sum at eight per cent per annum from March one, eighteen hundred ninety-nine, to the date of such payment, the sum aforesaid being the aggregate of taxes and charges that would have accrued to said March one, eighteen hundred ninety-nine, against said land had it continued to be held as State tax land.

This Joint Resolution is ordered to take immediate effect.

Approved May 25, 1899.

[No. 15.]

JOINT RESOLUTION to provide for the Retirement of certain outstanding Part-Paid Bonds.

WHEREAS, It appears from the books of the Auditor General's office that there was outstanding June thirty, eighteen hundred ninety-eight, part-paid bonds to the amount of nineteen thousand dollars, interest upon which ceased January first, eighteen hundred sixty-three;

AND WHEREAS, These bonds are carried on the books of the Auditor General as a liability against the State;

AND WHEREAS, It is believed that said bonds have been lost or destroyed; therefore be it

Resolved by the Senate and House of Representatives, That the State Treasurer is hereby authorized and directed to call in for payment said bonds by advertisement in one paper in the city of Lansing, one daily paper in the city of Grand Rapids, one daily paper in the city of Detroit, and one daily paper in the city of New York, for at least three months, calling

upon the holders of said bonds to present them for payment on or before December thirty, eighteen hundred ninety-nine, giving notice in the advertisement that, if not presented for payment within the time specified, they shall be declared forfeited; be it further

Resolved, That on the said thirtieth day of December, eighteen hundred ninety-nine, the Auditor General be and is hereby authorized and directed to discharge from the records of his office, as forfeited to the State, all said bonds not presented and paid within the time above specified, and that the accounts therewith on the books of his office be fully closed.

This Joint Resolution is ordered to take immediate effect.

Approved May 26, 1899.

[No. 16.]

JOINT RESOLUTION for the relief of John Henry Bartrem, a member of Company G, Third Regiment, Michigan National Guard.

WHEREAS, John Henry Bartrem, a member of Company G, Third Regiment, Michigan National Guard, while performing duty as such member on April twenty-six, eighteen hundred ninety-eight, in the city of Owosso, was seriously maimed by being thrown from a horse while acting under the orders of superior officers, and through no fault of his own; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized to investigate, examine into, and, if they see fit, audit and allow the claim of said John Henry Bartrem. On such allowance the Auditor General shall issue his warrant in favor of said John Henry Bartrem for the amount so audited and allowed, payable out of any money in the State Treasury not otherwise appropriated: *Provided, however*, That the amount allowed shall not exceed the sum of two thousand dollars.

This Joint Resolution is ordered to take immediate effect.

Approved May 26, 1899.

[No. 17.]

JOINT RESOLUTION for the Relief of the Compiler of the Compiled Laws of eighteen hundred ninety-seven.

WHEREAS, It became necessary in the preparation of the Compiled Laws of eighteen hundred ninety-seven, in order to insure accuracy of text as well as completeness and thoroughness of execution, to do much work not contemplated in the act authorizing said compilation and providing compensation therefor; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized and instructed to examine into the performance of such extra labor by the compiler of the compiled laws of eighteen hundred ninety-seven, and upon satisfactory showing by said compiler, the Board of State Auditors are hereby authorized to allow said compiler extra compensation not to exceed the following sums, viz.:

For preparing and superintending the printing of annotations and citations to the Constitution of the United States, the laws for the naturalization of Aliens, the laws for the authentication of records, etc., and the Ordinance of seventeen hundred eighty-seven, four hundred dollars. For comparing the text of the general statutes in force with the original State prints and texts to insure accuracy in the text of the compilation, three hundred dollars. For preparing a table of cross references from the sections of Howell's annotated sections to the sections of the Compiled Laws of eighteen hundred ninety-seven, to be published with the index, one hundred dollars.

This Joint Resolution is ordered to take immediate effect.

Approved June 1, 1899.

[No. 18.]

JOINT RESOLUTION authorizing the Governor to issue a patent to Joseph Crawford for the east half of the southwest quarter of section twenty-five, town nineteen north of range six east, the same being State swamp lands.

WHEREAS, It appears by satisfactory proof that on the twenty-seventh day of July, A. D. eighteen hundred seventy-four, a certificate was issued from the office of the Commissioner of the State Land Office at Lansing, Michigan, to John Sager of Bay county, Michigan, said certificate being number seven thousand eighty-four, on the east half of the southwest quarter of section twenty-five, town nineteen north of range six east; and

WHEREAS, On the first day of September, A. D. eighteen hundred eighty-three, said John Sager for a valuable consideration did sell, assign, transfer and set over unto said Joseph Crawford all his right, title and interest to and in the said certificate and the lands therein described, and which said certificate by reason of said assignment has become the property of the said Joseph Crawford; and

WHEREAS, Said certificate seven thousand eighty-four has been lost and destroyed without the fault or connivance, directly or indirectly, of said Joseph Crawford or John Sager, or of any person who may be interested in said land; and

WHEREAS, No patent can issue to the said Joseph Crawford for said land on account of defects in matter of form in said assignment of said certificate by the said John Sager to the said Joseph Crawford, and because of the loss of said certificate it cannot be surrendered, and because of the removal of said John Sager to parts unknown; therefore

Resolved, That the Governor of this State be and he is hereby authorized to sign and cause to be issued to the said Joseph Crawford a patent for the land described in said certificate, whenever the same shall be presented to him with the certificate of the Commissioner of the State Land Office that the principal and interest, and all taxes and charges levied on said land have been paid.

Approved June 1, 1899.

[No. 19.]

JOINT RESOLUTION directing the Board of State Auditors to investigate and examine the claim of Betsey J. Haight of the city of Jackson, against the State of Michigan, on account of the death of her husband, George W. Haight, while employed by the State at the Michigan State Prison, by means of poison administered to him by a convict named R. Irving Latimer, and to provide for the payment to her of a sufficient sum of money to compensate her for the loss sustained by the death of her husband, the said George W. Haight.

WHEREAS, George W. Haight was on the twenty-fifth day of March, eighteen hundred ninety-three, a night gate keeper of the Michigan State Prison, and was on the night of said day killed by a deadly poison, known as prussic acid, which was administered to him by one R. Irving Latimer, who was a convict in said prison, under sentence for the crime of murder; and

WHEREAS, The said Latimer had been allowed by the clerk of the Michigan State Prison, one G. Major Taber, to purchase and bring into such prison with other articles for his use, prussic acid, and in the night time of said day said Latimer was allowed by one Maurice P. Gill, then a keeper in said prison, to be out of his cell and to have in his possession such deadly poison, which was placed by said Latimer in the food and drink of said Haight used by him for a midnight lunch prepared for him at the hospital in said prison; and

WHEREAS, The death of said George W. Haight was due to the negligent and unlawful conduct of the said G. Major Taber in allowing the said R. Irving Latimer to bring into the Michigan State Prison and use such deadly poison therein; and

WHEREAS, The death of said George W. Haight deprived the said Betsey J. Haight of her husband's support and care for her, and entitled her to make a claim against the State, and it appearing that she has no property except a house and lot in the city of Jackson of the value of about fifteen hundred dollars and personal estate of the value of about three hundred dollars, and that she is now in the seventieth year of her age, and that the income from her property will not support her, and that she is unable to support herself by labor on account of her age and infirmities;

Therefore, be it resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby

authorized and directed to investigate the claim of said Betsey J. Haight as set forth in the above preamble, and if in the judgment of the board the facts set forth are true, the Board of State Auditors are hereby authorized and directed to audit and allow the same Betsey J. Haight a sum not to exceed twenty-five dollars per month after the passage of this joint resolution; and the Board of State Auditors are hereby authorized to draw their warrant on the State Treasurer for the payment of the same: *Provided*, That upon the death of said Betsey J. Haight the monthly payment above provided for shall cease, and that the entire sum so allowed and paid shall not exceed in amount the sum of three thousand dollars.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 20.]

JOINT RESOLUTION authorizing and directing the Board of State Auditors to Investigate, Examine into, and, if they see fit, audit and allow Certain Claims against the State of Michigan.

WHEREAS, The legislature of eighteen hundred ninety-seven passed a bill, which became a law, appropriating State lands for the straightening and deepening of the channel of Maple river in the counties of Clinton and Gratiot, said act being known as act number four hundred twenty-three of the local acts of eighteen hundred ninety-seven; and

WHEREAS, In compliance with the provisions of said act, the Governor, by and with the advice and consent of the Senate, appointed David Duncan as special drain commissioner for the counties of Clinton and Gratiot; and

WHEREAS, The said David Duncan, acting in good faith, caused a survey to be made and assessments to be spread, thereby incurring a large amount of expense to himself and those working under his authority; and

WHEREAS, The circuit court of the twenty-ninth judicial circuit of the State of Michigan, at a session of said court held in eighteen hundred ninety-eight, rendered [rendered] a decision declaring said act number four hundred twenty-three unconstitutional; and

WHEREAS, On account of said decision, the said David Duncan and those working under his authority never received any compensation for the services rendered and expenses incurred by them; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and directed to investigate, examine into, and, if they see fit, audit and allow the claims of any persons or firms who may have performed any work or services in pursuance of the provisions of act number

four hundred twenty-three of the local acts of eighteen hundred ninety-seven. But in no case shall the aggregate amount so audited and allowed exceed the sum of three thousand two hundred sixty-three dollars and seventy-six cents.

This joint resolution is ordered to take immediate effect.

Approved June 23, 1899.

[No. 21.]

JOINT RESOLUTION for the relief of Fred L. Wait, member of Company F, First Infantry, Michigan National Guard.

WHEREAS, Fred L. Wait, a member of company F, First Infantry, Michigan National Guard, while performing duty as such member on April twenty-nine, eighteen hundred and ninety-eight, at the encampment of the Michigan National Guard at Island Lake, Michigan, was seriously ruptured by a fall occasioned by the caving of a bank of earth over which he was compelled to pass while at drill, and while acting under the orders of superior officers, such injury being occasioned through no fault of his; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized to investigate, examine into, and if they see fit, audit and allow the claim of the said Fred L. Wait. On such allowance the Auditor General shall issue his warrant in favor of said Fred L. Wait for the amount so audited and allowed, payable out of any money in the State Treasury not otherwise appropriated: *Provided however,* That the amount allowed shall not exceed the sum of two thousand dollars. And upon the receipt of the above mentioned amount or any part thereof allowed by the Board of State Auditors, the said Fred L. Wait shall sign a receipt in full for all claims against the State of Michigan on account of said injury.

This act is ordered to take immediate effect.

Approved June 23, 1899.

CONCURRENT RESOLUTIONS, 1899.

[No. 1.]

CONCURRENT RESOLUTION relative to the death of General William Humphrey.

WHEREAS, The Legislature has learned with deep regret of the death, at his home in the city of Adrian, on Sunday, the fifteenth of this month, of General William Humphrey, who had filled with distinction the offices of captain, colonel and brigadier-general in the late war of the Rebellion, and in the State, that of Auditor General, and many other offices of trust and responsibility, and

WHEREAS, We desire to express our appreciation of the ability, honesty and integrity, and our respect for the personal worth of the deceased, be it

Resolved by the House (the Senate concurring), That in the death of General Humphrey the citizens of the State of Michigan have lost one whose loyalty has ever been pre-eminent, whose integrity has never been questioned, whose life has been irreproachable, and whose devotion to his country and to his State is worthy of emulation.

Resolved, That the sympathy and condolence of the Legislature of Michigan be extended to the sorrowing family, whose affliction is much greater than ours, and whose grief can only be alleviated by Him whose sustaining arm can best support them in their irreparable loss.

Resolved, That a copy of these resolutions be sent to the bereaved family and also made a part of the records of this body.

Approved January 24, 1899.

[No. 2.]

CONCURRENT RESOLUTION relative to the death of Hon. Nelson Dingley, member of Congress, from Maine.

Died, in the city of Washington, D. C., January thirteen, eighteen hundred ninety-nine, Hon. Nelson Dingley, M. C. of Maine.

A great leader, scholar, patriot is dead. He was a true American, a

lover of his country. He stood always for the right, as God gave him wisdom to see the right.

He was a teacher of truth, a minister of love.

“His life was gentle, and the elements so mixed in him,
That nature might rise up and say to all the world—Here was a man.”

WHEREAS, The Michigan Legislature has learned with profound sorrow of the death of that honored and distinguished son of Maine, Hon. Nelson Dingley, and

WHEREAS, His death removes a notable and honored figure in the official life of the nation and is a cause for common regret and sorrow; therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we share in the general grief of our sister State, recognize the nation's loss, and tender our sympathy to our associate in this body, Hon. E. N. Dingley, and to all members of the afflicted family, and further

Resolved, That these resolutions be spread upon the Journal and a copy be forwarded by the Secretary of State to the family of the deceased, and an additional copy be placed in the hands of our associate on this floor.

Approved January 24, 1899.

[No. 3.]

CONCURRENT RESOLUTION relative to the passage of the bill in Congress limiting the hours of service of laborers, workingmen and mechanics employed upon public works.

WHEREAS, There is now pending before the United States Senate a bill known as House bill number seven thousand three hundred eighty-nine for the limiting of the hours of daily service of all laborers, workingmen and mechanics, employed upon the public works of the United States to an eight-hour work day, and

WHEREAS, The passage of this measure would place our government on record as a humane government and in favor of advancing the cause of labor, as less hours give better wages, better homes and better lives, therefore be it

Resolved by the House of Representatives (the Senate concurring), That our Senators in Congress be respectfully requested to use their earnest endeavors to secure the passage of said bill.

Resolved, That a copy of these resolutions be forwarded by the Secretary of State to each of the Senators of this State.

Approved January 24, 1899.

[No. 4.]

CONCURRENT RESOLUTION asking for the naming of a Battleship after the State of Michigan.

WHEREAS, It is provided by the act of Congress, known as the Naval Appropriation Act, approved May four, eighteen hundred ninety-eight, that hereafter all first-class battleships of the United States shall be named for the States of the Union; and

WHEREAS, The name of the State of Michigan has not hitherto been recognized in the naming of the ships of the United States navy except in the case of a very small and antiquated vessel which has done duty on the great lakes since the days of the civil war; and

WHEREAS, The naming of a battleship of the navy for the State of Michigan would be a deserved and appropriate compliment on the part of the federal government to those sons of Michigan who have, in the recent war, maintained on land and sea her time-honored prestige for patriotism and valor; be it therefore

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the Senators in Congress from the State of Michigan be and are hereby requested to present to the President of the United States and to the Secretary of the Navy the request of the Legislature of Michigan, made in behalf of the people of the State, that the next battleship in construction or to be constructed, and for the naming of which no provision has already been made, shall be called the "Michigan."

Resolved further, That two copies of the foregoing resolution, duly attested by the Secretary of State, and sealed with the great seal of the State, be transmitted to the Senators in Congress from the State of Michigan, for presentation by them to the President and to the Secretary of the Navy.

Approved March 3, 1899.

[No. 5.]

CONCURRENT RESOLUTION favoring the granting of a service pension.

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the Senators and Representatives of the State of Michigan in the National Congress be requested to favor and assist in securing a fair and liberal service pension to every Union soldier, veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever any soldier shall have arrived at the age of sixty-two years.

Approved March 7, 1899.

[No. 6.]

CONCURRENT RESOLUTION.

WHEREAS, The Legislatures of eighteen hundred ninety-five and eighteen hundred ninety-seven who ordered and provided for the publication of the compiled laws of eighteen hundred ninety-seven are included in the regular distribution of the same; and

WHEREAS, The Legislature of eighteen hundred ninety-nine was called upon to make final arrangements relative to the binding and issue of said compilation; therefore

Resolved, (the Senate concurring), That each member of the present Legislature, who was not a member of the Legislatures of eighteen hundred ninety-five or eighteen hundred ninety-seven, shall be entitled to receive one copy of the compiled laws of eighteen hundred ninety-seven in the distribution of the same by the Secretary of State.

Approved March 21, 1899.

[No. 7.]

CONCURRENT RESOLUTION for the return of the Flag of the Fortieth North Carolina Confederate Infantry.

WHEREAS, At the battle of Bentonville, N. C., on March nineteenth, eighteen hundred sixty-five, the flag of the Fortieth North Carolina Confederate regiment was captured by the members of the Fourteenth Michigan infantry; and

WHEREAS, The said flag is now in the Military Museum of the State of Michigan, in the custody of the Quartermaster General of the State; and

WHEREAS, The surviving members of the Fourteenth Michigan greatly desire that they may be allowed to return the flag to the survivors of the Fortieth North Carolina regiment, and believing that the fraternal feeling already existing between the surviving soldiers of the Union and Confederate armies will be greatly strengthened by such action, and loyalty to a common cause be intensified and enhanced thereby; therefore be it

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the Quartermaster General is hereby authorized and instructed to forward the flag referred to above to G. H. Swayze, Elmira, N. Y., as the representative of the said Fourteenth Michigan regiment, to be by him presented to the survivors of the said Fortieth North Carolina regiment, or their representative, and with it to convey to the survivors of the said Fortieth North Carolina regiment the compliments of the House and Senate of the State of Michigan, and the assurance that we rejoice with them in a country united not

only by political, but fraternal, bonds; under a flag whose shadow falls only on free men, and whose stars have gained an added luster by the loyalty and bravery displayed by the sons of a united North and South in the Spanish-American conflict.

Approved April 6, 1899.

[No. 8.]

CONCURRENT RESOLUTION directing the Secretary of State to send additional copies of the Compiled Laws to the University.

Resolved by the House (the Senate concurring), That the Secretary of State be, and hereby is, authorized and directed to send to the University of Michigan, in addition to the copy assigned to it under the regular distribution of the statutes, six copies of the compiled laws of eighteen hundred ninety-seven, for use in the law department.

Approved April 18, 1899.

[No. 9.]

CONCURRENT RESOLUTION relative to the issue of a patent to Milton Adams.

WHEREAS, The Legislature at this present session passed a joint resolution, entitled "Joint resolution authorizing the issue of a patent for certain State swamp lands in Ogemaw county to Milton Adams," which joint resolution was approved by the Governor on the thirtieth day of March, eighteen hundred ninety-nine; and

WHEREAS, An error in the description of land to be patented appears in said joint resolution as approved by the Governor, which error was made in an amendment to said joint resolution during its passage and was not in the joint resolution as introduced; therefore

Resolved by the House (the Senate concurring), That the Governor of this State be, and he is hereby authorized to sign and cause to be issued to the said Milton Adams a patent for the following land, to wit: the southeast quarter of the southwest quarter of section twenty-three, township twenty-one north, range four east.

Approved April 18, 1899.

[No. 10.]

CONCURRENT RESOLUTION providing for sending State Publications to County Commissioners of Schools.

Resolved by the House (the Senate concurring), That the Secretary of State be, and is hereby directed, to forward to each county commissioner of schools copies of all State publications, the same as they are now forwarded to other county officers.

Approved April 28, 1899.

[No. 11.]

CONCURRENT RESOLUTION assigning to the State Librarian additional copies of the Compiled Laws of eighteen hundred ninety-seven.

Resolved by the House (the Senate concurring), That one hundred and fifty additional copies of the compiled laws of Michigan of eighteen hundred ninety-seven be placed in the hands of the State Librarian for exchange for other books, which books shall be placed upon the shelves of the State Library.

Approved May 2, 1899.

[No. 12.]

CONCURRENT RESOLUTION.

WHEREAS, The American people remain unalterably and uncompromisingly opposed to all forms of oppression and political usurpation; and

WHEREAS, The American people have always entertained the most profound sympathy for every people of whatever race, nationality or creed, in their efforts to secure and preserve self-government and to maintain inviolate all their civil, political and religious liberties; and

WHEREAS, Upon the conquest of Finland by Russia in eighteen hundred nine in the "Act of Assurance" Alexander I, most solemnly and sacredly promised "to confirm and ratify the religion and fundamental laws of the country (Finland), together with the privileges and rights according to the constitution," and "to rule this honest people according to their laws and to the inviolable order of eternal justice;" and as solemnly and sacredly pledged himself and his successors to preserve to the people of Finland the full measure of autonomy and local self-government then enjoyed; and furthermore at each succeeding coronation, Nicholas I, Alexander II, Alexander III, and the present Nicholas II, upon taking the title of Grand Duke of Finland have respectively ratified and reaffirmed in every particular the said Act of Assurance; and

WHEREAS, Under the union consummated by the Act of Assurance the prosperity and advancement of the Finnish people in material well-being and civilization—with its accompanying sciences, arts and moral culture—has not only surpassed that of any other portion of the Russian Empire, but has been the wonder, the marvel and the admiration of the civilized world; and

WHEREAS, Within a few months from the date on which Czar Nicholas II promulgated to the world the now famous peace message, the Russian government, by a special ukase, abrogated the Act of Assurance, abolished the Finnish constitution and destroyed the autonomy of the Grand Duchy of Finland; and now proposes to extend the term of military service and to increase the quota of Finnish conscript for the standing army four-fold and proportionately augment the Finnish military budget; therefore be it

Resolved by the Senate (the House of Representatives concurring), That we express our profound and heartfelt sympathy for the downtrodden people of Finland in their present hour of darkest trouble, and with admiration approve their efforts to preserve to themselves and to their posterity inviolate and undiminished their hereditary and fundamental rights and privileges—the proud heritage of seven centuries of progressive development; and be it further

Resolved, That in view of the fact that the whole purpose and tenor of the ukase and proposed legislation for Finland respecting military affairs is incompatible and irreconcilable with the professed purpose and spirit of the Peace Conference to be held at The Hague, we respectfully but urgently request President McKinley to instruct our commissioners to the Peace Conference to express, in case the opportunity presents itself, the disapproval of the people of the United States of the policy of the Russian government in its present administration of civil and military affairs in Finland; and be it further

Resolved, That we respectfully but earnestly and urgently request President McKinley, through our duly accredited representative at the Court of St. Petersburg, if not inconsistent with public interest, to express to the Government of the Czar the serious concern of the Government of the United States because of the abrogation of the Act of Assurance of Alexander I, sacredly ratified and reaffirmed by each of his successors; the abolition of the ancient Finnish constitution; and the consequent destruction of Finnish autonomy; and be it further

Resolved, That the Secretary of State be instructed to transmit a certified copy of these resolution to President McKinley, and our Senators and Representatives in Congress.

Approved June 7, 1899.

[No. 13.]

CONCURRENT RESOLUTION.

WHEREAS, At the capture of Petersburg, Va., on April three, eighteen hundred sixty-five, the First Michigan Sharpshooters, while planting their flag on the court house, discovered a Stars and Stripes—which was subsequently brought to Michigan—with the following inscription on said flag: “Presented to the Petersburg Light Infantry Grays by the Ladies of Petersburg, February twenty-second, eighteen hundred fifty.” Whereas, The said flag is now in the Military Museum of the State of Michigan in the custody of the Quartermaster General of the State; and

WHEREAS, The surviving members of the First Michigan Sharpshooters greatly desire that they may be allowed to return the flag to the Petersburg Grays, an organization now in existence, and believing that the fraternal feeling existing between the Union and Confederate armies and the patriotic people of all sections of our united country will be greatly strengthened by such action, and loyalty to a common cause be intensified and enhanced thereby; therefore, be it

Resolved by the Senate of the State of Michigan (the House concurring), That the Quartermaster General is hereby authorized and instructed to turn over the flag referred to above to Geo. W. Stone, Lansing, Michigan, as the representative of the said First Michigan Sharpshooters, to be by him presented to the Petersburg Grays of Petersburg, Va., and with it to convey to said Petersburg Grays the compliments of the Senate and House of the State of Michigan, and the assurance that we rejoice with them in a country united by fraternal bonds, under a flag whose shadow falls only on freemen, and whose stars have gained an added luster by the loyalty and bravery displayed by the sons of the united North and South in the Spanish-American conflict.

Approved June 7, 1899.

[No. 14.]

CONCURRENT RESOLUTION including Representatives of the Press in the Distribution of the Compiled Laws.

Resolved by the House (the Senate concurring), That the Secretary of State be and is hereby authorized and directed to include the regularly accredited representatives of the press, in attendance upon the present session of the Legislature, in the distribution of the Compiled Laws of eighteen hundred ninety-seven, and the Journals, Manuals and Session Laws of this session.

Approved June 7, 1899.

[No. 15.]

CONCURRENT RESOLUTION providing for the Printing and Binding of Experiment Station Bulletins.

Resolved by the House of Representatives (the Senate concurring), That the Board of State Auditors be and are hereby directed and empowered to allow all bills for the printing and binding of the regular editions of the Experiment Station bulletins, and when such bills thus allowed are presented to the Auditor General he shall draw his warrant therefor, and charge the same to the general fund of the State: *Provided*, The amount shall not exceed four thousand dollars in any one year: *And provided, however*, That all expenses entailed in the preparation, publication and distribution of said bulletins, except those of printing and binding, shall be paid from the funds given to the Experiment Station by the national government.

Approved June 23, 1899.

[No. 16.]

CONCURRENT RESOLUTION providing for the distribution of the Public Acts of eighteen hundred ninety-nine and Compiled Laws of eighteen hundred ninety-seven.

WHEREAS, In the framing of section two of act number forty-four, public acts of eighteen hundred ninety-nine, providing for the distribution of the public acts of each Legislature, certain State and county officers were unintentionally omitted; and

WHEREAS, It has been customary in laws previously enacted by the Legislature of the State of Michigan to include said officers in the distribution of the public acts; be it therefore

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the Secretary of State be and is hereby instructed to deliver one set of the compiled laws of eighteen hundred ninety-seven and one copy of the public acts of eighteen hundred ninety-nine to the following: State officers and clerks of circuit courts; said volumes to be marked "State property" and to be delivered to their successors in office.

Approved June 23, 1899.

AMENDMENTS TO THE CONSTITUTION.

Amendments to the Constitution proposed by the Legislature of eighteen hundred and ninety-nine and ratified and approved by the people at the April election of eighteen hundred and ninety-nine.

ARTICLE FOUR.

SEC. 49. The Legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships, and may authorize counties to take charge and control of any highways within their limits for such purposes; and may modify, change or abolish the powers and duties of township commissioners and overseers of highways. But the tax raised in any one year shall not exceed two dollars upon each one thousand dollars valuation, according to the assessment roll of the county for the preceding year. The Legislature may also prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts, and may provide for one or more county road commissioners, to be elected by the people, or appointed, with such powers and duties as may be prescribed by law.

No county shall incur any indebtedness for any purposes in excess of three per cent of the valuation, according to the last assessment roll, and no such indebtedness beyond one-half of one per cent of such valuation shall be incurred, unless authorized by a majority of the electors of said county voting thereon: *Provided*, That any county road system provided by law shall not go into operation in any county until the electors of said county, by a majority vote, have declared in favor of adopting the county road system.

ARTICLE SIX.

SEC. 6. The State shall be divided into Judicial Circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for a term of six years, and until his successor is elected and qualified. The Legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county

of Kent is or may be situated, [and in the judicial circuit in which the county of St. Clair is or may be situated.] And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the Board of Supervisors of said county. And the Board of Supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such Board of Supervisors.

CERTIFICATE.

MICHIGAN
DEPARTMENT OF STATE
LANSING.

I, Justus S. Stearns, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred ninety-nine was on the twenty-fourth day of June in the year of our Lord one thousand eight hundred and ninety-nine.

[L. s.] IN WITNESS WHEREOF I have hereunto set my hand and caused the great seal of the State of Michigan to be affixed this fourteenth day of July, A. D. one thousand eight hundred and ninety-nine.

J. S. STEARNS
Secretary of State.

APPENDIX

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE FISCAL YEAR ENDING JUNE 30, 1899.

REPORT

OF THE

TREASURER OF THE STATE OF MICHIGAN.

STATE OF MICHIGAN, }
TREASURY DEPARTMENT, }
Lansing, July 1, 1899.

HON. HAZEN S. PINGREE, *Governor, Lansing, Mich.:*

Sir—I have the honor to submit herewith the following report, exhibiting the transactions of this department, for the fiscal year ending June 30, 1899:

Balance on hand July 1, 1898.....	\$1,216,212 61
Total receipts.....	4,576,874 98
	<hr/>
	\$5,793,087 59
Disbursements.....	4,391,031 71
	<hr/>
Balance on hand June 30, 1899.....	\$1,402,055 88

Which corresponds with the amount charged to this office, as appears by the following letter of the Auditor General.

GEO. A. STEEL,
State Treasurer.

MICHIGAN, }
AUDITOR GENERAL'S DEPARTMENT, }
Lansing, July 1, 1899.

HON. GEO. A. STEEL, *State Treasurer, Lansing, Mich.:*

Sir—I hereby certify that the cash balance charged the State Treasurer as being in his hands at the close of business June 30, 1899, was one million four hundred and two thousand fifty-five dollars and eighty-eight cents (\$1,402,055.88), as appears by the books of this office.

Very respectfully,

ROSCOE D. DIX,
Auditor General.

The following statement from the general and auxiliary ledgers gives the condition of the several Trust funds, Bond account, etc.:

Credit—

General Fund.....	\$881,735 57
Primary School Interest Fund.....	11,953 00
Agricultural College Interest Fund.....	32,408 79
Normal School Interest Fund.....	2,178 88
Sundry Deposits Account.....	27,326 77
War Loan Sinking Fund.....	141,364 48
Specific Tax Fund.....	317,380 89
	<u>\$1,414,348 38</u>

Less—

War Fund, overdrawn.....	12,292 50
	<u>\$1,402,055 88</u>

Debit—

Cash on hand.....	<u>\$1,402,055 88</u>
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BONDED DEBT.

The outstanding bonds of this State now are:

Interest bearing—

War Loan Bonds of 1898, 3½%.....	\$208,700 00
War Loan Bonds of 1898, 3%.....	291,300 00
Total.....	<u>\$500,000 00</u>

Non-Interest bearing—

Past due, part-paid, Five Million Loan Bonds, \$19,000.00, adjustable at \$578.57 per \$1,000.....	<u>\$10,992 83</u>
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Trust Fund Debt—

Agricultural College Fund.....	\$725,843 81
Normal School Fund.....	66,245 12
Primary School Fund (seven per cent).....	3,947,232 11
Primary School Fund (five per cent).....	846,778 52
University Fund.....	533,904 00

Balance Trust Funds.....	<u>\$6,120,003 56</u>
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The following statements give the receipts and payments in detail:

General Fund.

RECEIPTS.

Balance June 30, 1898.....		\$929,531 12
Taxes, etc.—		
From Auditor General's Office—		
Tax histories, statements and deeds.....	\$3,168 87	
State tax lands.....	121,215 04	
Redemptions.....	23,727 25	
Delinquent taxes.....	135,941 38	
		284,052 54
From County Treasurers—		
Under old tax law.....	\$3,812 31	
Under new tax law.....	2,318,108 57	
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Amount brought forward.....	\$104,286 76	\$3,536,429 41
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Amount brought forward.....\$1,009,889 51

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Secretary Board of Review, Telephone and Telegraph Companies, salary.....	100 00
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Rent account.....	36 00
Expenses—Supreme and Circuit courts.....	2,760 90
Costs of Suits.....	15,248 92

\$971,567 00

Amount carried forward..... **\$1,981,457 11**

Amount brought forward		\$1,981,457 11
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To War loan sinking fund.....	138,137 50	
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		243,238 77
Balance June 30, 1899.....		881,735 57
Total.....		<u>\$4,093,963 73</u>

Aggregate of receipts from all sources, including specific taxes, and disbursements for all purposes for each month of the fiscal year ending June 30, 1899, showing the cash balance on hand at the end of each month.

	<i>Receipts.</i>	<i>Disbursements.</i>	<i>Balance.</i>
1898—July.....	\$755,890 88	\$333,553 21	\$1,638,550 28
August.....	232,984 55	231,914 47	1,639,620 36
September.....	172,025 91	359,628 28	1,452,017 98
October.....	48,416 60	306,414 93	1,194,019 66
November.....	110,731 99	871,269 59	433,482 06
December.....	105,175 12	291,023 09	247,634 09
1899—January.....	1,318,264 61	280,231 90	1,285,666 80
February.....	331,909 27	286,831 55	1,330,744 52
March.....	435,949 56	246,071 38	1,520,622 70
April.....	201,739 92	274,218 08	1,448,144 54
May.....	467,779 99	592,937 23	1,322,987 30
June.....	396,006 58	316,938 00	1,402,055 88
Totals.....	<u>\$4,576,874 98</u>	<u>\$4,391,031 71</u>	<u>.....</u>

INDEX
TO THE
PUBLIC ACTS
OF THE
STATE OF MICHIGAN

ENACTED BY THE LEGISLATURE OF 1899, WITH REFERENCES TO
THE SECTIONS AND CHAPTERS OF

HOWELL'S ANNOTATED STATUTES AND THE COM-
PILED LAWS OF 1897, VOLUMES 1, 2 AND 3
RESPECTIVELY. AMENDED OR REPEALED.

Prepared and published under the supervision of the Secretary of State, in compli-
ance with Act No. 44, Public Acts 1899.



BY AUTHORITY

LANSING
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1899

INDEX TO PUBLIC ACTS OF 1899.

The abbreviations used in the following pages of this index are: ch, chapter; r, repealed; s, superseded. Where lines are indented it indicates that there should be a repetition of the first words of the first full line immediately above the indented line, or that the matter of the indented line relates to the same subject, as will be readily apparent to the reader.

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